

ITEM NO.12 Court 4 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 15896-15897/2019

(Arising out of impugned final judgment and order dated 05-04-2019 in FA No. 196/2013 05-04-2019 in FA No. 170/2013 passed by the National Consumers Disputes Redressal Commission, New Delhi)

MAXIVISION EYE HOSPITALS PRIVATE LIMITED Petitioner(s)

VERSUS

PRASANNA LAKSHMI Respondent(s)

WITH

SLP(C) No. 3271/2020 (XVII-A)

(IA No.189648/2019-CONDONATION OF DELAY IN FILING and IA No.189650/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.189649/2019-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.189651/2019-PERMISSION TO FILE SYNOPSIS AND LIST OF DATES and IA No.189646/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 04-08-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Parties: Petitioner-in-person
Mr. Abhinav Agrawal, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Mr. S. S. Shroff, AOR
Ms. Smarika Singh, Adv.
Mr. Saifur Rahman Faridi, Adv.
Ms. Kanti, Adv.
Ms. Adya Jha, Adv.

Respondent-in-person
Mr. Abhinav Agrawal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) Nos. 15896-15897 of 2019

Heard Mr. P.S. Narasimha, learned senior counsel appearing for the petitioner.

This Court had issued limited notice on the Special Leave Petition only on the issue of quantum of compensation amount determined by the National Consumer Disputes Redressal Commission (for short, "the Commission").

As regards that issue, we find no reason to deviate from the final conclusion reached by the Commission. Some error here or there in the reasoning process need not be the basis to overturn the conclusion reached by the Commission.

Accordingly, this Special Leave Petition must fail and the same is dismissed.

Pending applications, if any, stand disposed of.

SLP(C) No. 3271/2020

By this Special Leave Petition, the petitioner prays for enhanced compensation/damages amount.

Instead of examining the disputed facts and the materials which the petitioner intends to rely, including with regard to future medical expenses besides on the factum of loss of income, we deem it appropriate to give

liberty to the petitioner to pursue remedy by way of civil suit where all the documents and disputed facts can be analyzed and considered.

In other words, the determination by the National Consumer Disputes Redressal Commission done in terms of the impugned order is only a tentative compensation amount payable to the petitioner. The actual loss caused to the petitioner and the future medical expenses, including the loss of income can be established by the petitioner by producing tangible evidence in that regard for grant of additional or enhanced compensation/damages, in the civil suit in terms of liberty given by this Court.

All contentions available to both parties in the said proceedings are left open, to be decided on its own merits and in accordance with law.

The Special Leave Petition is disposed of accordingly with liberty as aforementioned.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)