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ITEM NO.34

COURT NO.12

SECTION XVII

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). 36048/2016
(Arising out of impugned final judgment and order dated 22/07/2016
in I.A.No.3599/2016 in Consumer Complaint No. 280/2015 passed by
the National Consumer Disputes Reddresal Commission, New Delhi)
DR.VIJAY DIXIT AND ORS Petitioner(s)

VERSUS

PAGADAL KRISHNA MOHAN AND ORS. Respondent(s)
(with interim relief and office report)
Date : 16/12/2016 This petition was called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr.K.Maruthi Rao, Adv.

Mrs.K.Radha, Adv.

Mrs. Anjani Aiyagari,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Issue notice.

It was brought to the notice of this Court that this
Court, by an order dated 11 th
February, 2016 in Civil Appeal
Nos.1083-1084 of 2016, has referred the matter to a five-Judge
Bench on the issue whether the Consumer Fora has the power to
extend the time for filing a reply/written statement beyond the
period of 45 days prescribed under the Statute and while referring
the matter to a larger bench, this Court has passed an interim
order, which reads :

â S....We have heard Mr.K.T.S.Tulsi, learned counsel
for the appellant on the question whether we ought to
stay the proceedings before the National Commission,
Mr.Tulsi submits that the National Commission is

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proceeding with the case without receiving the reply of
the appellant-company or even allowing
appellant-company to adduce evidence or even to
cross-examine the witnesses that may be cited and
produced by the complainant....â \235
In view of the same, in the present case also, we direct
the petitioner to pay a sum of Rs.50,000/- as costs to to be paid
to the respondent-opposite party within a period of four weeks.
The Commission can, upon deposit of costs, proceed with the trial
of the complainant on merits, after receiving the reply filed by
the respondent. The pendency of present proceedings shall not be
an impediment for the Commission to do so. This, however, is
subject to the condition that complainant-respondent is ready and
willing to take the proceedings forward on the conditions
aforementioned. In case the complainant-respondents have any
objection to the continuance of the proceedings before the
Commission, they shall be free to seek stay of such proceedings
pending disposal of this petition in which event the proceedings
shall remain stayed till disposal of the present petition.
Post along with C.A.Nos.1083-1084 of 2016.

(G.V.RAMANA)
AR-CUM-PS

(S.S.R.KRISHNA)
ASSTT.REGISTRAR