

p1

ITEM NO.6

COURT NO.11

SECTION XVII

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

RECORD OF PROCEEDINGS

Civil Appeal Diary No(s). No(s). 42144/2016

BANK OF BARODA

Appellant(s)

VERSUS

MURUGESAN

Respondent(s)

(with appln. (s) for condonation of delay in filing appeal.)

Date : 24/03/2017 This appeal was called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE N.V. RAMANA

HON&#39;BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. Arun Aggarwal, Adv.

Mr. Taranjeet Singh, Adv.

Mr. Gaurav Aggarwal, Adv.

For Respondent(s)

Mr. S. Mahendran, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the appellant.

The main controversy in this appeal is pertaining to the power of Courts to extend time for filing written statement/reply to a complaint before Consumer Fora and there appears to be some conflicting decisions of this Court on this issue.

We find that in order to resolve this issue, this Court in Civil Appeal Nos. 1083-1084 of 2016 has already referred the

2

question to a five Judge Bench for an authoritative judgment, which is pending.

Delay condoned.

Issue notice.

Mr. S. Mahendran, learned counsel accepts notice on behalf of the respondent.

Tag with Civil Appeal Nos. 1083-1084 of 2016.

The appellant is permitted to file its reply before the

National Commission within two weeks from today subject to

payment of Rs.50,000/- as costs to be paid to the opposite party.

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-respondent has any

objection to the continuance of the proceedings before the

Commission he shall be free to seek stay of such proceedings

pending disposal of these appeals in which event the proceedings

shall remain stayed till disposal of the present appeals.

[SUKHBIR PAUL KAUR]

[S.S.R.KRISHNA]

A.R.-CUM-P.S.

ASSISTANT REGISTRAR