

**(2001) 07 NCDRC CK 0009**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

TRILOK SINGH

APPELLANT

Vs

INDIAN AUTO SPARES

RESPONDENT

**Date of Decision:** July 5, 2001

**Citation:** 2002 1 CPC 30 : 2002 2 CPJ 335

**Hon'ble Judges:** K.K.Srivastava , P.K.Vasudeva , Devinderjit Dhatt J.

**Final Decision:** Appeal allowed

**Judgement**

1. WE have heard this appeal today. This appeal is directed against the order of the District Consumer Disputes Redressal Forum-II, U.T., Chandigarh (for short hereinafter to be referred as the District Forum-II) dated 4.1.2001 passed in Complaint Case No. 424 of 1999, Trilok Singh, R/o 311, Industrial Area, Phase-I, Chandigarh and Harpreet Singh, r/o 311, Industrial Area, Phase-I, Chandigarh v. Indian Auto Spares, SCF 15, Sector 21-C, Chandigarh through its Partner/Proprietor. The District Forum-II has not gone into the merits of the case on the ground that the learned Counsel for the O.P./respondent has offered to pay the costs of C.D.I. Coil viz. Rs. 130/- to the complainant who accepted the same and undertook to return the C.D.I. Coil to the opposite party. Appellant No. 2, Mr. H.P.S. Kochhar, Advocate has strongly disputed the fact of the entire complaint case having been settled through a compromise and has on the other hand contended that the other grievances of the complainants which were mentioned in the complaint have not been decided by the District Forum-II. He has also referred to the order sheet dated 4.1.2001 of the District Forum-II. The District Forum-II mentioned in the zimini order as under :

"Mr. H.P.S. Kochhar, Advocate for the complainant. Mr. R.K. Bashamboo, Advocate for the O.P. Arguments heard. Reserved for orders. Sd/- Sd/- 4.1.2001 Member President (H.S. Walia)"

However, we find another order sheet dated 4.1.2001, which is a typed order sheet and duly signed by the President and the Member (Mr. H.S. Walia), which reads as

under :

"Mr. H.P.S. Kochhar, Advocate for the complainant. Mr. R.K. Bashamboo, Advocate for the O.P. Arguments heard. This case stands disposed of vide separate order in detail. Announced. Sd/- Sd/- 4.1.2001 Member President (H.S. Walia)"

2. THE main contention of the appellants is that though the arguments had been heard on merit and the case had been reserved for orders, but the case was decided on the same date i.e. 4.1.2001 on the basis of the payment of a sum of Rs. 130/-.

Learned Counsel for the respondent has stated that in case the offer which was made of a sum of Rs. 130/- by the respondent to the complainants/appellants before the District Forum-II is not accepted and is disputed on the ground that no compromise had taken place of the complaint case, in that event the appellants be asked to refund/repay the amount of Rs. 130/- which has been accepted by the appellants before the District Forum-II. At this stage, the appellant No. 2 has stated that he is ready to refund the sum of Rs. 130/- which was paid to him before the District Forum-II by the O.P. Since there is serious dispute about the complaint case having been compromised before the District Forum-II and since the District Forum-II has not decided the complaint on merit, in view of the alleged compromise, this appeal is accepted and the order of the District Forum-II is set aside. The amount of Rs. 130/- referred to above has already been paid back today before the Commission by the appellant No. 2, Mr. H.P.S. Kochhar, Advocate to Mr. R.K. Bashamboo, Advocate for the respondent, who has accepted the same. The complaint case is remanded to the District Forum-II, U.T., Chandigarh for decision on merit. After affording a reasonable opportunity of hearing to both the parties the complaint case be heard and decided expeditiously and preferably within two months from the receipt of the file of the complaint case. The parties are directed to appear before the District Forum-II on 19.7.2001. Appeal allowed.