

**(1996) 05 NCDRC CK 0083**

**In the National Consumer Disputes Redressal Commission**

PONDICHERRY TEXTILE CORPN. LTD.

APPELLANT

Vs

BATCO ROADWAYS

RESPONDENT

---

**Date of Decision :** 13-05-1996

**Acts Referred:**

**Citation :** 1996 2 CPC 192 : 1996 2 CPR 177 : 1996 3 CPJ 163 : 1997 1 CLT 212

**Hon'ble Judges :** V.Balakrishna Eradi , B.S.Yadav , S.S.Chadha ,  
R.Thamarajakshi J.

**Final Decision :** Petition dismissed

---

## **Judgement**

1. AFTER hearing Mr. A.S. Nambiar, learned Sr. Advocate appearing on behalf of the complainant, Mr. C.S. Vaidyanathan, Sr. Advocate appearing on behalf of the opposite party Nos. 1 to 3 and Mr. Bhatt, Advocate appearing on behalf of the opposite party No. 4 and also going through the records of the case, we are clearly of opinion that the issues raised in this case are of such complicated nature that they are not capable of being satisfactorily adjudicated in the time-bound proceedings before the Consumer Forum. The complainant's approach seeking relief from the Consumer Forum in regard to such a matter was clearly misconceived and this petition has to fail on that limited ground. We make it clear that we are not expressing any opinion whatever on the merits of the contentions put forward by the complainant or by the opposite parties. In our opinion these are matters which should be gone into only by the Civil Court and it will be open to the complainant to raise all its contentions before the Civil Court in a properly instituted suit. In case such a suit is instituted before the Competent Court within a period of three months from today it is agreed before us by the Counsel appearing for the opposite- parties that no plea of limitation will be raised by them before the Civil Court. We may also observe that we feel confident that the Court before which the Civil Suit is filed will certainly consider sympathetically any prayer made by the present complainant to the Civil Court for exclusion of the period spent by the complainant in prosecuting this complaint before this Commission under Section 14 of the Limitation Act since the complaint had to fail only for the technical reason that the approach made by the

complainant for relief by this Commission is misconceived and this Commission is not in a position to grant it any relief because of the jurisdictional bar. The Original Petition is dismissed as above. The parties will bear their respective costs. Petition dismissed. \_\_\_\_\_