

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS APPLICATION No. 571 OF 2021

IN

(CIVIL APPEAL No. 2535 OF 2010)

NGEF EMPLOYEES HOUSE BUILDING SOCIETY

**APPLICANT(S)/
APPELLANT(S)**

VERSUS

SMT. MANGALAGOWRI

**NON-APPLICANTS/
RESPONDENT(S)**

ORDER

1. We have heard Mr. Manjunath Meled, learned counsel for the applicant/appellant as well as Ms. Nidhi, learned counsel for the respondent.

2. This Miscellaneous Application has been filed for restoration of Civil Appeal No.2535 of 2010, which was dismissed for non-prosecution on 03.03.2021.

3. On 14.08.2026, we had indicated that we would hear the Miscellaneous Application along with the Civil Appeal.

4. As per office report dated 15.09.2026, the Miscellaneous Application was filed on 18.03.2021 for restoration of the Civil Appeal, dismissed for non-prosecution. However, the same was not listed before the Court.

5. We have also heard learned counsel for the parties in

the Civil Appeal. The related Special Leave Petition was filed against the order dated 09.04.2009 passed by the National Consumer Disputes Redressal Commission, New Delhi (briefly 'the Commission' hereinafter), rejecting the revision petition of the appellant. On 20.07.2009, notice was issued and the impugned order of the Commission was stayed. Thereafter, leave was granted on 15.03.2010, pursuant to which the case came to be registered as Civil Appeal No.2535/2010.

6. Respondent is the widow of late B.R. Ramachandra, who was a member of NGEF Employees House Building Society (briefly 'the society' hereinafter), i.e. appellant herein. Husband had sought for allotment of a site in the layout of the society. It is stated that the society had issued no-objection certificate to the husband on 15.05.1994 to either sell, mortgage or transfer the above site to anybody of his choice. However, possession certificate was not issued. In this connection, reliance was placed on a communication dated 04.04.2005 of the society.

7. Following the death of the husband, respondent as the complainant, instituted Complaint No.584 of 2008 before the District Consumer Forum at Bengaluru, seeking the following reliefs:

"a) Direct the opponent Society to issue possession certificate in respect of a site bearing No.36 at Chandra Layout, 1st Stage, Nrupathunga Nagar, Nagarbhavi, Bangalore which

was allotted the husband of the complainant and to register the same in the name of the complainant."

8. Before the District Consumer Forum, appellant, i.e. NGEF Employees House Building Society, did not contest the proceedings by filing written statement or by tendering evidence. Nonetheless, the District Forum declined to entertain the complaint by holding that respondent failed to prove and establish her case. She had also not filed any criminal complaint. Accordingly, the complaint was dismissed vide the order dated 29.04.2008.

9. In appeal before the Karnataka State Consumer Disputes Redressal Commission (Appeal No.1686 of 2008), the State Commission was of the opinion that it was a fit case to issue direction to the appellant to execute and register the sale deed in favour of the complainant. Accordingly, the following order was passed:

"The complaint filed by the complainant before the District Forum is allowed with a direction to the Respondent/OP to execute the sale deed in favour of the complainant, being wife of the deceased Late Mr. B.R. Ramachandra, who was a member of OP 1 society and register the same in respect of the site bearing No.36 1st stage Chandra Layout, Bangalore within 3 months from today."

10. Appellant challenged this order dated 29.04.2008 before the Commission in Revision Petition No.874 of 2009. The Revision Petition was dismissed vide the order dated

09.04.2009 in the following manner:

" We find no infirmity in the order passed by the State Commission. Learned Counsel appearing for the petitioner did not have any satisfactory explanation "As to why the written statement was not filed by the petitioner before the District Forum". It was submitted before us that the NGEF, which is a public undertaking of the State Government, has gone in liquidation and the proceedings for its winding up are pending before the High Court.

Petitioner, which is an Employees House Building Society, is not in liquidation. The defence put up by the petitioner that since the NGEF has gone in liquidation, all its papers are lying with official liquidator/High Court, cannot be accepted. The petitioner society, as mentioned above, is not in liquidation and consequently, its papers cannot be with the official liquidator/High Court. Revision Petition is dismissed."

11. After hearing the learned counsel for the parties, we recall our order dated 03.03.2021 passed in Civil Appeal No.2535 of 2010. The Civil Appeal is restored to its original file and number, whereafter we have heard the learned counsel for the parties in the Civil Appeal on merits.

12. Accordingly, the Miscellaneous Application No.571/2021 is allowed and all pending interlocutory application(s) are disposed of.

13. On due consideration, we do not find any error or

infirmity in the view taken by the Commission. No Interference is called for.

14. Consequently, Civil Appeal No.2535/2010 is dismissed.

15. Pending application(s), if any, shall stand disposed of.

..... J.

[UJJAL BHUYAN]

..... J.

[ATUL S. CHANDURKAR]

NEW DELHI;
16th SEPTEMBER, 2026.
AK

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

Miscellaneous Application No. 571/2021 in C.A. No. 2535/2010

[Arising out of impugned final judgment and order dated 03-03-2021 in C.A. No. No. 2535/2010 passed by the Supreme Court of India]

NGEF EMPLOYEES HOUSE BUILDING SOCIETY

Petitioner(s)

VERSUS

SMT. MANGALAGOWRI

Respondent(s)

MA FOR RESTORATION
(IA No. 41416/2021 - RESTORATION)

Date : 16-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. Manjunath Meled, Adv.
Mr. Yanthanshan Yanthan, Adv.
Mrs. Vijayalaxmi Udupudi, Adv.
Ms. Arushi, Adv.
Mr. Ganesh Kumar R., AOR

For Respondent(s): Ms. Nidhi, AOR
Mr. Om Kumar, Adv.
Mr. Dhruv Maheshwari, Adv.

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

1. Miscellaneous Application is Allowed and Civil Appeal is Dismissed in terms of the signed order placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)