

(2001) 03 NCDRC CK 0062

In the National Consumer Disputes Redressal Commission

A.H.RIZVI-Revisionist

APPELLANT

Vs

DIVYA MITTAL

RESPONDENT

Date of Decision : 22-03-2001

Acts Referred:

Citation : 2001 3 CPJ 223

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Revision allowed

Judgement

1. THIS is a revision against the order dated 12.10.1999 passed by District Consumer Forum, Firozabad in Complaint Case No. 31/99.

2. WE have heard the learned Counsel for the parties. The only question which arises for decision in this case is whether the District Forum, Firozabad has jurisdiction to try this complaint or not. According to the allegation of the complainant, the complainant went several times to Delhi for treatment of her disease which the opposite party Dr. A.H. Rizvi, promised to cure but the disease was not cured inspite of spending huge amount. Learned Counsel for the opposite party has argued that no cause of action arose at Firozabad, therefore, the complaint could not have been filed there.

A perusal of the allegation of the complaint will go to show that the complainant has nowhere alleged that the doctor opposite party came to Firozabad and the treatment was given to her at that place, therefore, no part of cause of action arose at Firozabad and the complaint is, therefore, without jurisdiction at Firozabad and the District Forum, Firozabad has no jurisdiction to try this case. The revision is liable to be allowed and the order of the learned District Forum is liable to be set aside. ORDER The revision is allowed. The order of the learned District Forum is set aside. Let the complaint be returned to the District Forum concerned for presentation to the proper Authority. Let copy of this order be made available to the parties as per rules. Revision allowed.