
(1997) 03 NCDRC CK 0011

In the National Consumer Disputes Redressal Commission

BANK OF INDIA

APPELLANT

Vs

N V Deoras

RESPONDENT

Date of Decision : 12-03-1997

Acts Referred:

Citation : 1997 3 CPR 63 : 1998 1 CLT 295 : 1998 1 CPJ 99

Hon'ble Judges : V.BALAKRISHNA ERADI , S.S.CHADHA , R.THAMARAJAKSHI , S.P.BAGLA , C.L.CHAUDHRY J.

Judgement

1. WE are constrained to remand this case to the State Commission for the simple reason that the State Commission has passed an ex -parte order in favour of the complainant in the case under an erroneous impression that no written version had been filed by the opposite party (as is seen from the clear statement to that effect contained in the order of the State Commission and stating also that it is for that reason that the case has to be decided ex -parte). The correct factual situation, however, was that a written version had, in fact, been filed by the opposite party and it had been taken on file by the President of the State Commission as per proceedings dated 6th July, 1994, a copy of which is at page No. 115 of the paperbook. Even if the opposite party was not represented by Counsel on the subsequent day on which the case was taken up for hearing, it was obligatory on the part of the State Commission to consider the written version filed by the said party which was on its file and examine the tenability or otherwise of the contentions raised therein before proceeding to decide the case on merits. Inasmuch as this elementary requirement has not been complied with by the State Commission, the ex - parte order for payment of compensation to the extent Rs. 13.50 lakhs passed by it in favour of the complainant without any proper discussion of the case cannot be sustained. We accordingly, set aside the said order and remand this case to the State Commission, Maharashtra for de novo disposal on the merits after affording a fair and full opportunity to both sides to place their case before it inclusive of a chance to produce any documentary or oral evidence which they may wish to adduce in support of their versions. The appeal is allowed to the extent indicated above and the parties will

bear their respective costs. Appeal allowed.