

(2003) 01 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

BRIG. D.S.GREWAL

APPELLANT

Vs

OKARA AGRO INDUSTRIES LIMITED

RESPONDENT

Date of Decision : 16-01-2003

Acts Referred:

Citation : 2003 2 CPJ 219 : 2003 2 CPR 284

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal J.

Final Decision : Application dismissed

Judgement

1. THIS order shall govern the disposal of the application dated 10.1.2003, filed on behalf of the complainants, for the restoration of the complaint dismissed on grounds of non-prosecution by this Commission vide order dated 12.8.2002.

2. THE facts, relevant for the disposal of the above mentioned application, lie in a narrow compass. THE complainants have filed a complaint under Section 17 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") against the opposite party alleging deficiency in service on the part of the opposite party and claiming a compensation of Rs. 18,44,000/- as detailed in para 13 of the complaint. A notice of the complaint, as per statutory provisions, was directed to be issued to the opposite party and the office in compliance with the directions issued by this Commission had issued a notice to the opposite party per registered post which was received back unserved with the report of the postal authorities to the effect that the opposite party had left without address and the present whereabouts of the opposite party were not known. In view of the above fact, more particularly, the report of the Postal Authorities, the complainants were directed by this Commission vide order dated 8.5.2001 to furnish fresh particulars of the opposite party within 10 days and the Office was directed to issue a fresh notice to the opposite party at the fresh address to be furnished by the complainants. The complaint case on 8.5.2001 was adjourned to 7.12.2001. On 7.12.2001, Counsel for the complainants appeared but the order dated 8.5.2001 was not complied with and no fresh particulars of the opposite party were filed as a result of which fresh notice to the opposite party in terms of order

dated 8.5.2001 could not be issued. On 7.12.2001, in the interest of justice the complainants were given another opportunity to furnish fresh address of the opposite party within 10 days and it was directed that a fresh notice be issued to the opposite party on that address returnable on 12.8.2002.

On 12.8.2002 neither the complainants cared to appear nor cared to comply with order dated 7.12.2001. For the above default on the part of the complainants, the above mentioned complaint filed by the complainants, was directed to be dismissed on grounds of non-prosecution.

3. THE above mentioned application dated 10.1.2003 has been filed on behalf of the complainants with the prayer that the complaint, dismissed in default, vide order dated 12.8.2002, be directed to be restored to its original number. Insofar as above mentioned application, filed on behalf of the complainants, is concerned, we have heard the learned Counsel for the complainants and have also carefully gone through the contents of the application. It is not in dispute that the complainants have not cared to comply with order dated 8.5.2001 and thereafter order/directions dated 7.12.2001. Not only this, the complainants did not care to appear on 12.8.2001 though the case on the above said date was called out twice - earlier at its turn and later at the end of the list. Even today, the learned Counsel for the complainants is not having the present address of the opposite party and makes a request that the complainants be given some more time to file fresh address of the opposite party. THE above request has been made by the learned Counsel for the complainants in vague terms without specifying the circumstances as to why the directions issued by this Commission vide order dated 8.5.2001 and 7.12.2001 could not be complied with by the complainants. In the presence of the above facts, the above mentioned application, filed by the complainants/applicants is devoid of substance. THE same merits rejection. Accordingly, the same is hereby rejected. A copy of this order, as per statutory requirements, be forwarded to the parties free of charge and thereafter the file be consigned to Record Room. Application dismissed.