

(2016) 10 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

Case No : 1257 of 2016

CHANDRA KALA DEVI W/O. SH. SAHAJ RAM SHARMA

APPELLANT

Vs

OM KRISHNA DEVELOPERS PVT. LTD. & ANR.

RESPONDENT

Date of Decision : 26-10-2016

Acts Referred:

Citation : (2016) 10 NCDRC CK 0051

Hon'ble Judges : K.S. Chaudhari

Advocate : Pawan Kr. Ray

Final Decision : Appeal Allowed

Judgement

1. This appeal has been filed by the complainant against order dated 01.08.2016 passed by Learned State Commission in Complaint No. 381 of 2014, by which complaint was dismissed in default.
2. Brief facts of the case are that complainant filed complaint before State Commission, which was dismissed on 01.08.2016 on account of non-appearance. In impugned order it was further mentioned that none appeared for complainant on 12.05.2016 also so complaint was dismissed in default.
3. Learned counsel for the appellant submitted that on 01.08.2016 complainant appeared before State Commission after dismissal of complaint, but I do not find any reference in the appeal and no reason has been given for non-appearance on 01.08.2016 as well on 12.05.2016 but as complaint has been dismissed in default which was filed before two years, I deem it appropriate to allow appeal and restore appeal, subject to cost.
4. Consequently, appeal filed by the appellant is allowed and impugned order dated 01.08.2016 passed by learned State Commission in Complaint No. 381 of 2014 is set aside and complaint is restored at its original number subject to depositing Rs.2,000/- as cost with Legal Aid Fund of State Commission. Learned State Commission is directed to proceed in accordance with law.

5. Complainant is directed to appear before State Commission on 02.12.2016.