
(2015) 06 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

Devendra Kumar Goel

APPELLANT

Vs

Idea Promoters And Developers

RESPONDENT

Date of Decision : 02-06-2015

Acts Referred:

Citation : (2015) 06 NCDRC CK 0025

Hon'ble Judges : D.K.JAIN , M.SHREESHA J.

Advocate : SHARAD K.AGGARWAL , ABHISHEK SHARMA

Judgement

1. THIS Appeal, by the Complainant, is directed against order, dated 30.3.2015, passed by the State Consumer Disputes Redressal Commission, Uttrakhand in CC/24/14. By the impugned order, the State Commission has dismissed the Complaint for want of prosecution, as the Complainant had failed to take steps and appear before it, when the case was taken up for hearing on 30.3.2015.

2. LEARNED counsel appearing for the Appellant submits that after its filing on 11.12.2014, the Complaint was listed for consideration on 12.12.2014 but was not taken up on that date and it was adjourned to 28.1.2015. On the said date, notice was directed to be issued to the Opposite Parties, returnable for 27.3.2015. Since on that date, the lawyers were abstaining from work, the Bench did not assemble and the next date i.e. 30.3.2015 was notified on the website of the Commission. It is urged that since, on that date, the Complainant was down with viral fever from 22.3.2015 to 4.4.2014, he could not appear before the State Commission, with the result that the impugned order was passed.

3. SINCE the Respondent/Opposite Party was also not present when the Complaint was dismissed by the State Commission, we deem it unnecessary to issue notice to the Respondent. Having perused the documents on record, including the Medical Certificate issued by one Dr.Prem Prakash Singhal and bearing in mind the nature of the claim, we are of the opinion that the interest of justice demands an opportunity of hearing to the Complainant before the State Commission, on merits of his Complaint. Consequently, we allow the Appeal; set aside order dated 30.3.2015 and restore the Complaint to the Board of the State

Commission for consideration on merits.

4. THE Appellant is directed to appear before the State Commission on 27.7.2015 for further proceedings.

5. THE Appeal stands disposed of in the above terms.