

**(2011) 01 NCDRC CK 0012**

**In the National Consumer Disputes Redressal Commission**

Dhiren

APPELLANT

Vs

Kum Kum

RESPONDENT

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**Date of Decision :** 18-01-2011

**Acts Referred:**

**Citation :** 2011 1 CPJ 316

**Hon'ble Judges :** Ashok Bhan , Vineeta Rai J.

**Final Decision :** Revision Petition dismissed.

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**Judgement**

1. RESPONDENT/complainant went to the clinic of the petitioner for getting her hair dyed. Petitioner bleached her hair with some chemical after shampooing them which resulted in hardening and straightening of her hair destroying their natural shape. She alleged that due to bleaching done by the petitioner, not only the hair of the complainant were destroyed but it harmed her scalp which resulted in pain in the scalp and she could not sleep overnight. So much so she had to take treatment from a doctor due to negligence of the petitioner. Thus, alleging deficiency in service on the part of the petitioner, respondent filed the complaint before the District Forum seeking a direction to the petitioner to pay Rs. 1 lac as compensation and Rs. 10,000 for other expenses.

2. DISTRICT Forum allowed the complaint and directed the petitioner to pay Rs. 50,000 to the complainant.

3. PETITIONER being aggrieved filed the appeal before the State Commission which has been partly allowed and the amount of compensation to Rs. 50,000. During the pendency of the appeal, petitioner No. 2, who was not a party before the District Forum, was added as party respondent before the State Commission and petitioner No. 2 along with petitioner No. 1 were made liable to pay the amount jointly and severally.

4. BEING aggrieved, petitioners have filed the present revision petition before us.

5. ON 9.11.2006, this Commission stayed the execution of the order subject to deposit of Rs. 25,000 by the petitioners before the District Forum. It was left

open to the respondent/complainant to withdraw the sum by executing the personal bond.

6. PETITIONERS, thereafter, moved an application for waiver of the condition of pre-deposit of Rs. 25,000. This application was allowed on 11.7.2007. This Commission admitted the revision petition and waived of the condition of initial deposit keeping in view the monetary condition of the petitioners. Complainant/respondent, thereafter, moved miscellaneous application No. 342/2007 seeking deposit of the sum of Rs. 25,000 as per previous order dated 9.11.2006. This Commission allowed the miscellaneous application and directed the petitioner to deposit the sum of Rs. 25,000 as per previous order dated 9.11.2006 within a period of four weeks from the date of passing of the order.

7. RESPONDENT who is appearing in person states that the revision petition is liable to be dismissed on the ground that the petitioners have failed to comply with the interim order passed by the Commission requiring the petitioners to deposit the sum of Rs. 25,000 as a condition.

8. COUNSEL for the petitioners fairly concedes that the petitioners could not deposit the sum of Rs. 25,000 because of weak financial condition.

9. SINCE the petitioners have failed to comply with the interim order passed by this Commission requiring them to deposit the sum of Rs. 25,000, the revision petition cannot proceed further and is dismissed as such. Revision Petition dismissed.