
(2015) 04 NCDRC CK 0152

In the National Consumer Disputes Redressal Commission

Goldbricks Infrastructure Pvt Ltd

APPELLANT

Vs

Ratankumar

RESPONDENT

Date of Decision : 29-04-2015

Acts Referred:

Citation : (2015) 04 NCDRC CK 0152

Hon'ble Judges : AJIT BHARIHOKE , Rekha Gupta J.

Advocate : GAGAN SANGHI , VIVEK BHARDWAJ

Judgement

1. THIS revision is directed against the order of the Maharashtra State Consumer Disputes Redressal Commission, Mumbai dated 19.1.2015 in CC/13/31 which reads as under: - "Adv. Mr. Bhardwaj is present for the complainant. Adv. Mr. Thanvi is present for the O.P. Adv. of the complainant filed reply to the application made by the O.P. for oral cross examination of the complainant. The Adv. of the complainant submitted that he has no objection for cross examination of the complainant but he requested that the cross examination may be proceeded today itself so that there will not be further delay in deciding the complaint. However, we consider that the dispute involved in the complaint and we have also perused the documents filed on record. We find that if oral cross examination is permitted, it will unnecessarily prolong the decision of the appeal. In the fitness of thing permission is granted to the O.P. to submit the interrogatories to the complainant to be replied by him on affidavit. One week time is granted to the O.P. to submit the interrogatories to the complainant. Adjourned till 28/01/2015. "

2. LEARNED Shri Gagan Sanghi, Advocate for the petitioner has assailed the impugned order on the ground that the State Commission by declining permission to cross examine the complainant has deprived the opposite party of his valuable right to test the veracity and correctness of the affidavit evidence of the complainant on the anvil of cross examination. It is further contended that the State Commission has declined permission to cross examine the complainant on a wrong plea that it would delay the progress of the complaint particularly

when on the date of impugned order, the counsel for the complainant had given no objection to the request of the petitioner provided the cross examination of the complainant was recorded on that very day. It is argued that if the State Commission was really worried about the delay in disposal of the complaint, it could have allowed cross examination on the basis of concession given by the counsel for the complainant and recorded the cross examination on the same day. Learned counsel for the petitioner has thus urged us to set aside the impugned order and allow cross examination of the complainant to test the veracity of his version.

3. LEARNED counsel for the respondent has fairly conceded that he has no objection if the impugned order is set aside and the petitioner/opposite party is permitted to cross examine the complainant provided the cross examination is recorded on the next date of hearing fixed before the State Commission without any further delay. In view of the above and the concession given at the bar, we allow the revision petition, set aside the impugned order and allow the application of the petitioner/opposite party for cross examination of the complainant.

4. PARTIES are directed to appear before the State Commission on the next date of hearing fixed there. The complainant shall remain present on the date of hearing and his cross examination shall be recorded on the same day.

5. REVISION petition is disposed of accordingly.