
(1994) 05 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

I.S.BHATIA

APPELLANT

Vs

ANIL KUMAR MEHTA

RESPONDENT

Date of Decision : 12-05-1994

Acts Referred:

Citation : 1994 0 NCDRC 126 : 1994 2 CPJ 92 : 1994 2 CPR 484

Hon'ble Judges : V.BALAKRISHNA ERADI , Y.KRISHAN , B.S.YADAV J.

Advocate : V.V.Malik , KISHORE RAWAT

Judgement

1. IN our order""South Delhi University Teachers" Co-operative Group Housing Society Ltd. v. Dr. Madhu Rathour (Revision Petition No. 481 of 1993) decided on 18th March, 1994"this Commission has held that it is not open to a Consumer Forum to strike off the defence of a party and refuse to grant him appearing when he appears before it, even if he had committed default in the matter of appearance before the Forum on earlier occasions. The procedure of "striking off defence" followed in the Civil Courts is not provided for under the Consumer Protection Act or Rules. The principles of natural justice require that a party, when it appears, should be heard in defence of the action instituted against him and he should be allowed to put forward his contention subject to the limitation that he cannot be allowed to reopen earlier proceedings and can put forward only his oral submissions in the nature of arguments in the case. The impugned order of the State Commission striking off defence of the Revision Petitioner cannot, therefore, be sustained and it is hereby set aside. The case is remanded to the State Commission to be proceeded with in accordance with law in the light of the observations contained in this order after giving to the Revision Petitioner a fair opportunity of being heard from the stage which the case has already reached when the Revision Petitioner chose to appear before the State Commission. Since the impugned order came to be passed only on account of the default committed by the Revision Petitioner herein we direct that the Revision Petitioner shall pay a sum of Rs. 1,000/- by way of costs to the Respondent. This amount shall be paid within a period of one month from today. It is represented before us that the Revision Petitioner has already filed his written statement of objections before

the State Commission. If that be so, such statement of objections may be taken on record subject to compliance with the condition regarding payment of costs specified above.