

(1997) 10 NCDRC CK 0014

In the National Consumer Disputes Redressal Commission

KALKAPRASAD KASHTAWAR

APPELLANT

Vs

S.K. SHRIWASTAVA

RESPONDENT

Date of Decision : 14-10-1997

Acts Referred:

Citation : 1997 3 CPJ 375 : 1997 3 CPR 331

Hon'ble Judges : Saroj Rajwade , N.K.Vaidyas J.

Final Decision : Revision dismissed

Judgement

1. THIS revision has been filed by the complainant against the order dated 19.2.97 passed by District Forum, Gwalior in their case No. 233/96, wherein the District Forum rejected the complainant's application for cross-examining the non-applicant on the ground that this issue had already been considered by the Forum on previous hearing and decided vide note-sheet order dated 27.1.97 and now the Forum cannot review its own order.

2. THE petitioner has not stated as to how and why this order of the Forum is wrong or that the Forum can review its own order. He has simply stated that the order-dated 27.1.97 of the Forum, denying him opportunity of cross-examining the non-applicant is wrong. After obtaining stay order on 9.4.97, none appeared for the petitioner on the last three hearings. As has been held by Hon'ble National Commission in Revision Petition No. 548/92, decided on 27.9.93, this revision deserves to be dismissed in default and need not be decided on merits.

Still when we consider this petition on merits, we find that there is no provision for review in the Consumer Protection Act. Hence the Forum's order stating that the Forum cannot review its own order-dated 27.1.97 is perfectly justified.

3. SO far as order dated 27.1.97 is concerned, the complainant was given due opportunity to cross-examine the non-applicant vide note-sheet order dated 18.10.96 and the case was fixed for 20.11.96 for cross-examining the nonapplicants. But on the next date i.e. 20.11.96, none appeared for the complainant and when on subsequent date i.e. 27.1.97, again the complainant

was absent, this order dated 27.1.97 was passed which also was never challenged in Appellate Court and is naturally final. As such we find no reason to interfere with the order of the Forum and this revision against Forum's order dated 19.2.97 is hereby dismissed. Revision dismissed.