

(2004) 07 NCDRC CK 0032

In the National Consumer Disputes Redressal Commission

KATARIA TOUR AND TRAVELS

APPELLANT

Vs

Pawan Kumar

RESPONDENT

Date of Decision : 27-07-2004

Acts Referred:

Citation : 2005 1 CPJ 61

Hon'ble Judges : M.A.A.Khan , Ratan Prakash J.

Final Decision : Application allowed

Judgement

1. HEARD. This appeal is barred by limitation by 27 days. The explanation offered by the appellant for this delay is that summons were not served upon him and that he came to know of the impugned order on 1.12.2003 only. In support of such explanation Sh. Anil Kumar has filed his affidavit. There is no counter affidavit in rebuttal. Ground for condonation of delay sufficient. The delay is condoned and the application is allowed.

2. ON merits of the case it was pointed out by the learned Counsel for the appellant that although the respondent had filed his complaint against him with the allegations that he had hired the services of the appellant for transportation of consignment from Delhi to Sriganganagar, but no LR/GR in support of such allegation was filed by him. It was further submitted that since no summon was ever served upon him he could not appear and produce his version before the Forum. It was brought to our notice that in compliance of our order dated 20.1.2004, the appellant has already deposited the decretal amount with the Forum.

In view of the above we are inclined to give an opportunity to the appellant to present his version, and support such version with evidence if he so likes, before the Forum.

3. IN the result the impugned order is set aside and the matter restored to the Forum for giving an opportunity to the appellant to file its version and also support such version with evidence if he so likes, and to decide the complaint

according to law after having given opportunity to both the sides of being heard. The respondent shall also have an opportunity to produce further evidence in support of his version. The Forum shall, as far as possible, dispose of the complaint within a period of three months from the date of appearance of the parties before it on 3.9.2004. The above order shall be subject to appellant's paying a sum of Rs. 500/- as cost to the respondent. Application allowed.