

(2017) 02 NCDRC CK 0063

In the National Consumer Disputes Redressal Commission

Case No : 1033 of 2016

MADANLAL MOTILAL BORA

APPELLANT

Vs

NAV MAHARASHTRA BUILDERS & 8 ORS

RESPONDENT

Date of Decision : 21-02-2017

Acts Referred:

Citation : 2017 1 CPR 722

Hon'ble Judges : V.K. Jain

Advocate : Charudatta Mahindrakar

Judgement

IA/3274/2016 (For condonation of delay)

1. This is an application seeking condonation of delay of more than two years and five months in filing this revision petition. Being aggrieved from the order passed by the District Forum on 27.02.2007, the petitioner preferred an appeal before the State Commission which came to be dismissed in default and for non-prosecution on 08.07.2013. He allegedly came to know of the said dismissal in January, 2014. He has thereafter approached this Commission on 01.04.2016 by way of this revision petition.

2. The application seeking condonation of delay to the extent it is relevant, reads as under: 2. The petitioner submits that the impugned order was pronounced on 08.07.2013. However, the petitioner came to know that the review petitioner was dismissed only in January, 2014. Thereafter, petitioner requested the counsel appearing for him in the State Commission to return the documents. The same were received by the petitioner in June, 2014. Thereafter, the petitioner took legal opinion for filing revision petition from his advocate based at Mumbai and at Pune. Thereafter, petitioner forwarded the necessary papers to the advocate at New Delhi. However, it transpired that all the documents are in Marathi language. Therefore, advocate requested the petitioner to get the same translated as Annexures had to be filed alongwith revision petition. However, it is transpired that Order dated 27.02.2007 of the Ld. District Consumer Dispute Redressal Forum passed in Consumer Complaint No.699 of 2001 was not forwarded.

Therefore, the advocate requested the petitioner to send the order dated 27.02.2007. Thereafter, affidavit of the petitioner in support of the revision petitioner and applications were asked for. Accordingly, affidavit in support of revision petition and application were executed and attested and forwarded to New Delhi.

3. The learned counsel for the petitioner states that there are some errors in para 2 of the application and in fact, the order dated 08.06.2013 came to the knowledge of the petitioner in January 2014. If this is so, the petitioner had more than sufficient time available to him to approach this Commission by way of a revision petition, soon after January 2014. The application does not disclose on which date the petition came to know about the dismissal of his appeal and what was the source of that information. Be that as it may, even if the prescribed period of limitation is computed from 31.01.2014, which is last date in the month of January, the revision petition ought to have been filed by the end of April 2014. The petition having been filed on 01.04.2016, there is a delay of about two years even from the time the petitioner allegedly came to know of the dismissal of his appeal by the State Commission. Certainly, he did not require as much as two years to engage a counsel, obtain copies from the State Commission and get the documents in vernacular if any translated into English. There is absolutely no worthwhile explanation for the delay of more than two years in filing the revision petition if computed from 08.07.2013 and delay of almost two years if computed from January 2014. The application seeking condonation of delay is therefore, dismissed. RP/1033/2016

In view of dismissal of the application seeking condonation of delay in filing the revision petition, the said petition is dismissed as barred by limitation.