

(2017) 03 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

Case No : 1057 of 2016

M/S. SANGRUR AGRO LTD. THROUGH ITS AUTHORIZED
AGENCY RAM KUMAR SHARMA, S/O SH. PRITPAL SHARMA

APPELLANT

Vs

NEW INDIA ASSURANCE COMPANY LTD. & ANR.

RESPONDENT

Date of Decision : 23-03-2017

Acts Referred:

Citation : (2017) 03 NCDRC CK 0010

Hon'ble Judges : Ajit Bharihoke, Anup K Thakur

Advocate : Ishant Gutpa, Vishnu Mehra

Judgement

1. The petitioner/complainant being aggrieved of the order of the State Commission Punjab dated 14.1.2016 in first appeal No.862/2015 whereby the appeal preferred by the petitioner was dismissed for non-prosecution, has preferred this revision petition.

2. Learned counsel for the petitioner has contended that absence of the petitioner on the relevant date before the principal bench of the State Commission was unintentional. It is contended that the petitioner all through had been pursuing the appeal diligently. The matter was heard in detail by the State Commission and the order was reserved. However, thereafter, learned State Commission re-listed the matter on 23.12.2015. On the said date the matter was adjourned to 14.1.2016. It is contended by learned counsel for the petitioner that on 14.1.2016 the matter was supposed to come before the 1 st Additional Bench of the State Commission. The counsel for the appellant did go to attend the proceedings but on the said date but the 1 st Additional Bench of the State Commission was not holding the Court and the counsel for the appellant was informed that matter would be heard by the principal bench of the State Commission. By the time the counsel for the appellant appeared before the principal Bench, the appeal had already been dismissed for non-prosecution. Thus, the sum and substance of the argument is that there was no negligence on the part of the complainant to justify the dismissal of appeal for non-prosecution.

3. Learned Shri Vishnu Mehra, Advocate has taken us through the revision petition particularly para Nos.2.8 & 2.9 and submitted that from the aforesaid averment it is clear that this is second round of litigation and there is no whisper of the aforesaid fact in the complaint filed by the appellant in the second round. It is further argued that as the appellant was negligent in pursuing the appeal, the State Commission has rightly dismissed the appeal for non-prosecution.

4. We have considered the rival contentions. The explanation given by learned counsel for the appellant/petitioner appears to be reasonable. Therefore, in interest of justice we allow the revision petition, set aside the impugned order, subject to cost of Rs.20,000/- to be deposited by the petitioner with "Consumer Legal Aid Account-NCDRC" within four weeks. The matter is remanded back to the State Commission for decide it on merits after giving due hearing to the parties.

5. Parties to appear before the State Commission on 25.4.2017.

6. It is made clear that if the cost is not deposited, the revision petition shall be deemed to have been dismissed.