

(2012) 01 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

Om Tyagi

APPELLANT

Vs

Chaudhary Enterprises And Ors.

RESPONDENT

Date of Decision : 20-01-2012

Acts Referred:

Citation : 2012 1 CPJ 444

Hon'ble Judges : R.C.JAIN J.

Judgement

1. CHALLENGE in these proceedings is to the order dated 14.11.2011 passed by the UP State Consumer Disputes Redressal Commission, Lucknow (for short "the State Commission") in revision No. 72/2011, filed by the finance company against order passed by the District Forum in execution proceedings on an application made by the said finance company seeking its impleadment for the reason that the vehicle in question in respect of which claim has been allowed was hypothecated with them and they are entitled to the insurance claim as per the terms of the hypothecation agreement. The State Commission instead of considering the limited question has passed the following order: Revision is admitted partly. The impugned order dated 3.1.2011 passed by District Forum, Meerut in Complaint No. 595/2004 is set aside with directions to the District Forum, Meerut to legally dispose of the Complaint afresh after arraying the revisionist Chola Mandalam Finance Company as a party in the said dispute and by providing proper opportunity to the parties to file pleadings and being heard. And if possible shall dispose of the case on merits, within three certified copy of this Judgment/Order.

Parties shall bear their respective costs for the revision.

Copies of this order shall be provided to the parties as per rules.

We have heard learned Counsel for the petitioner and respondent No. 1. In our view the order passed by the State Commission reopening an order which has attained finality by the State Commission's own order cannot be legally upheld in any view of the matter. Such a course is not legally permissible. We, therefore,

set aside the impugned order and direct the concerned District Forum to hear the objections / pleas of the financier companies and decide the case in accordance with law.

The revision petition is disposed of accordingly. The amount deposited by the Insurance Company pursuant to the final order passed in the complaint shall abide the outcome of the said objections and pleas.

Revision Petition disposed of.