
(2014) 04 NCDRC CK 0003

In the National Consumer Disputes Redressal Commission

PARDEEP KUMAR MEHTA

APPELLANT

Vs

K.C. Mahajan And Mrs. T.K. Mahajan

RESPONDENT

Date of Decision : 15-04-2014

Acts Referred:

Citation : (2014) 04 NCDRC CK 0003

Hon'ble Judges : Rekha Gupta J.

Final Decision : Petition dismissed

Judgement

1. PETITIONER /Complainant being aggrieved by order dated 26.4.2012 passed by State Consumer Disputes Redressal Commission, Punjab, Chandigarh (for short, "State Commission") has filed the revision petition. Petitioner had filed an application before the District Consumer Disputes Redressal Forum, Ropar(for short, "District Forum") for producing additional evidence. The application of the petitioner was dismissed by the District Forum, vide order dated 17.10.2011.

2. AGGRIEVED by the order of the District Forum, petitioner filed Revision Petition No. 66/2011, before the State Commission. State Commission vide its impugned order, partly allowed the revision petition filed by the petitioner.

3. BEING not satisfied with the order of the State Commission, petitioner has filed the present revision petition.

4. WE have heard the petitioner as well as respondent No. 1 and gone through the record. Relevant portions of application seeking permission to file additional evidence read as under; 2. That the respondent has filed similar affidavits in this forum in complaint under section 340 Cr.P.C. and that the petitioner/respondent has taken certain objections against the affidavits of Advocate Mona Sahni, K.C. Mahajan, Advocate, Advocate T.K. Mahajan on dated 6/10/2010. 3. That the same Advocates have filed affidavits in the present complaint with improved version to prove this fact. The applicant want to produce the copy of that affidavits of the case under Section 340 Cr.P.C. which now transfer to District Consumer Disputes Redressal Forum, Hoshiarpur on dated 15.12.2010.

4. That the aforesaid copy of the affidavit is very relevant to decide the controversy of the party.

5. That the applicant also want to produce other witness to prove the aforesaid document and other documents.

It is therefore prayed that permission may kindly be granted to produce additional evidence in the interest of justice.

5. IN its entire application, petitioner had nowhere sought any permission to place on record copy of any FIR.

6. THE State Commission while partly allowing the revision petition, in its impugned order observed; The petitioner submits that he only wants to produce additional evidence by way of affidavit of Mona Sahni, Advocate, Sh. R.P. Dhri, Advocate, Sh. Kuldeep Singh, advocate and Sh. Chaman Singh Bhatoa, Advocate. Copies of these affidavits have been placed on file. Besides that he also want to file a copy of FIR No. 23 dated 12.2.1997 registered in Police Station Haryana, copy of FIR No. 74 dated 7.7.1997, Police Station Haryana, and copy of FIR No. 77 dated 3.10.1998, Police Station City Hoshiarpur. He also wants to produce copy of application filed by Surjit Singh against K.C. Mahajan and T.K. Mahajan, Advocates in the Bar Council of India.

Submission of respondent No. 1 was that there is no illegality in the order dated 17.10.2011 passed by the learned District Forum, nor these documents are relevant to the controversy involved in this petition. Hence it was prayed that petition be dismissed with heavy costs.

Record has been perused. Submissions have been considered.

We do not find any relevancy of FIRs, which the petitioner wants to produce by way of additional evidence in this case. However, he is at liberty to produce the affidavits referred to above along with a copy of application, which was filed by Surjit Singh against Sh. K.C. Mahajan in the Bar Council of India.

In view of the discussed held above, this petition is partly accepted and the impugned order dated 17.10.2011 is modified. Since it has caused inconvenience to the respondents, therefore, the petitioner is burdened with costs of Rs. 2000/- . The costs shall be paid by the petitioner to the respondents in the District Forum.

Thus, it is manifestly clear from the impugned order that the State Commission had acceded to the request of the petitioner regarding the affidavits. Since, there was no prayer in the application for filing of the copies of the FIR, the State Commission rightly disallowed the same. It appears that the only motive of the petitioner in filing of the present revision petition is just to harass the respondents in this case.

7. IT is well settled that under section 21(b) of the Act, this Commission can interfere with the order of the State Commission where such State Commission

has exercised jurisdiction not vested in it by law, or has failed to exercise jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

8. THUS , no jurisdiction or legal error has been shown to us to call for interference in the exercise of power under section 21(b) of the Act, nor the impugned order suffer from any infirmity or revisional exercise of jurisdiction. Accordingly, the present revision petition being frivolous and having no legal basis is hereby dismissed with cost of Rs. 5,000/ - (Rupees Five Thousand only. Petitioner is directed to deposit the costs by way of demand draft in the name of respondent No. 1, within four weeks. In case, petitioner fails to deposit the cost within the prescribed period, he shall be liable to pay interest @ 9% p.a., till realization.

9. HOWEVER , aforesaid costs shall be paid to respondent No. 1 only, after expiry of period of appeal/revision, preferred, if any. List on 23.5.2014 for compliance.