

**(2014) 09 NCDRC CK 0091**

**In the National Consumer Disputes Redressal Commission**

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| Pnb Metlife (Formally Known As "Metlife ") India Insurance | APPELLANT  |
| Vs                                                         |            |
| Sukhjit Kaur                                               | RESPONDENT |

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**Date of Decision :** 02-09-2014

**Acts Referred:**

**Citation :** 2014 0 NCDRC 587

**Hon'ble Judges :** V.K.JAIN , B.C.Gupta J.

**Advocate :** RITESH KHARE

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**Judgement**

1. IN a complaint filed by the respondents, the District Forum passed an order dated 14.06.2013, directing the petitioners to pay Rs. 7,50,000/- to the complainants within two months, failing which the complainants were held entitled to recover interest at the rate of 7.5% per annum from the order of the date till realization. Being aggrieved from the date of the order of the District Forum, the petitioner preferred an appeal before the State Commission at Chandigarh.

2. VIDE interim order dated 23.09.2013, the State Commission stayed the order passed by the District Forum, subject to the petitioner depositing a sum of Rs. 4 lakhs minus the amount already deposited by it, within a period of four weeks. Since the aforesaid amount was not deposited within a period of four weeks, the State Commission, vide its subsequent order dated 04.12.2013, vacated the stay dated 23.09.2013, on account of the aforesaid default on the part of the petitioner. Being aggrieved from the vacation of the stay, the petitioner is before us, challenging the order dated 04.12.2013, passed by the State Commission. Since there is a delay of 70 days in filing the revision petition, I.A. No. 4802/2014 has been filed, seeking condonation of delay in filing the revision petition.

3. THE case of the petitioner is that Mr. Kameshwar Gumber, Advocate, who was representing it before the State Commission did not convey the order dated 26.09.2013 and also did not appear before the State Commission on 2013 and therefore, it could not comply with the interim order passed by the State

Commission. It is further stated in the application, seeking condonation of delay that on receipt of notice of execution petition no. 01/14 from the Consumer Forum, the petitioner came to know of the conditional order which the State Commission had passed on 26.09.2013. Thereafter, a demand draft of Rs. 3,75,000/- was got prepared, but the State Commission refused to accept the demand draft on account of the stay order having already been vacated by it. 4. The learned counsel for the petitioner has drawn our attention to the certificate dated 21.03.2014, issued by Mr. Kameshwar Gumber, Advocate. Vide above referred certificate, the learned counsel admitted that the interim order of the State Commission dated 23.09.2013, was not communicated by him to the petitioner on account of some personal difficulty. Considering the certificate given by the Advocate, the delay in filing the revision petition is condoned, subject to the petitioner paying Rs. 10,000/-, as cost to the complainants/respondents.

4. SINCE the order of the State Commission dated 23.09.2013 was not conveyed by the learned counsel to the petitioner, it had no opportunity to comply with the said order before the Advocate contacted it of his own and informed about the said order. Considering that the appeal filed by the petitioner is still pending before the State Commission, we are of the considered view that the petitioner may be given an opportunity to comply with the interim order of the State Commission dated 26.09.2013, subject to suitable cost.

5. THEREFORE , we set aside the impugned order dated 04.12.2013, passed by the State Commission, subject to petitioner paying Rs. 20,000/-, as cost to the complainants.

6. THE total cost amounting to Rs. 30,000/- shall be paid to the complainants and the amount, which was required to be deposited in terms of the order dated 23.09.2013 shall be deposited within three weeks from today. The revision petition stands disposed of.