
(2001) 10 NCDRC CK 0054

In the National Consumer Disputes Redressal Commission

RAM RAKSH PAL GUPTA

APPELLANT

Vs

Ranjana

RESPONDENT

Date of Decision : 03-10-2001

Acts Referred:

Citation : 2002 1 CPR 146 : 2002 2 CLT 193 : 2002 2 CPJ 118

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Petition dismissed

Judgement

1. THIS petition is filed by the opposite parties under Clause (b) of Section 21 of the Consumer Protection Act. It arises out of an interim order passed by the District Forum.

2. DURING the proceedings before the District Forum, parties filed their affidavits. Petitioners, it appears, wanted to file further affidavit and for that they requested for an adjournment for a week. Though this was opposed by the respondent-complainant, District Forum allowed the prayer of the petitioners on payment of Rs. 25/- as costs and the matter was adjourned to 12.7.1999. Matter could not be taken up on this day as lawyers were on strike and complaint was adjourned to 17.8.1999. Since cost was not paid even on 17.8.1999, further affidavit of the petitioners was not taken on record and the District Forum adjourned the complaint to 4.9.1999. We do not find any error in the order of the State Commission for us to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. Aggrieved petitioners filed revision before the State Commission which was dismissed. State Commission observed that in regard to payment of costs, petitioner was not serious and even on 17.8.1999, the date after the 12.7.1999, when there was strike of lawyers, cost was not paid. Contention of the petitioners that the complainant refused to accept the cost was not believed by the State Commission. We do not find any error in the order of the State Commission for us to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. This revision petition is dismissed.

However, before we conclude a very disturbing feature has come to our notice

and that is strike of lawyers and on which ground District Forum adjourned the matter from 12.7.1999 to 17.8.1999. Strike is a virus which should not be allowed to infect the FORA constituted under the Consumer Protection Act. It should never be ground for adjournment in a Forum under this Act that the lawyers are on strike. In the present case we do not think State Commission took any serious note of the adjournment by the District Forum on the ground of strike by lawyers. It must not be forgotten that the Act is meant to provide speedy justice to the consumers. Under Sub-section (3) of Section 13 it is specifically provided that no proceedings complying with the procedure laid down in Sub-sections (1) and (2) shall be called in question in any Court on the ground that the principles of natural justice have not been complied with. We have to guard ourselves against the pernicious practice of strike by lawyers spreading to the FORA under the Act. Non-appearance of a lawyer in a Court or Tribunal or any Authority after being engaged and having charged his fee could itself be deficiency in service on his part. There is already a public criticism that FORA under the Act are fast becoming Civil Courts where adjournments are granted as a matter of course. This should not be permitted otherwise the purpose of the Act will be lost. State Commissions should ensure that no adjournment is granted on the ground of strike by lawyers. If the lawyers do not appear before District Forum or State Commission, it can decide the matter on the basis of the record, if it so chooses. A request for adjournment on the ground of strike by lawyers is not justifiable ground for adjourning the matter. Petition dismissed.