
(2003) 10 NCDRC CK 0068

In the National Consumer Disputes Redressal Commission

RAM SAINI

APPELLANT

Vs

SURABHI FORESTS (I) LIMITED

RESPONDENT

Date of Decision : 14-10-2003

Acts Referred:

Citation : 2004 1 CPJ 373 : 2004 2 CLT 218 : 2004 2 CPR 401

Hon'ble Judges : Lokeshwar Prasad , Mahesh Chandra J.

Final Decision : Revision dismissed

Judgement

1. THE present petition, filed by the petitioner, under Section 17(1)(b) of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") is directed against order dated 21.7.2003 and subsequent order dated 29.8.2003 passed by District Forum (North-West) in Complaint Case No. 372/2002 - entitled Shri Sri Ram Saini v. Surabhi Forests (I) Limited & Anr.

2. THE facts, relevant for the disposal of the present petition, lie in a narrow compass. THE petitioner, Shri Sri Ram Saini, had filed a complaint under Section 12 of the Act before the District Forum against the respondents. THE learned District Forum vide order dated 21.7.2003, being also impugned in the present proceedings, had closed the evidence of the petitioner/complainant. THEREafter the petitioner/complainant had filed an application for the recall/review of order dated 21.7.2003. That application has been rejected by the learned District Forum vide order dated 29.8.2003 on the ground that the District Forum had no powers to review its own orders. Feeling aggrieved, the petitioner has filed the above mentioned petition under Section 17(1)(b) of the Act.

We have heard the learned Counsel for the petitioner at length on the question of admission of the above mentioned petition and have also carefully gone through the documents/material on record. As already stated, the learned District Forum vide order dated 29.8.2003 has held that the District Forum has no powers to review its own orders and on the above ground has dismissed the application, filed by the petitioner, for the review/recall of order dated 21.7.2003. In our opinion, no fault can be found with the above said order of the District Forum

because as per settled law the District Forum decidedly has no powers to review/recall its own orders.

3. NOW coming to order dated 21.7.2003 the position is that on the basis of material on record it is apparent that in the complaint, filed by the petitioner, under Section 12 of the Act reply/written version on behalf of respondents/O.Ps. was filed on 20.3.2003. The O.Ps. filed their affidavit by way of evidence on 21.4.2003. No affidavit by way of evidence on behalf of the complainant was filed till 21.4.2003 though the reply/written version on behalf of O.Ps. as already stated had been filed on 20.3.2003. On 21.4.2003 the complainant/petitioner requested that he be given some more time for filing affidavit. The prayer of the petitioner/complainant was allowed and the matter was adjourned to 20.6.2003. On 20.6.2003 the petitioner/complainant further requested for grant of time for filing affidavit by way of evidence. The prayer made by the petitioner/complainant for grant of further time was also allowed by the learned District Forum subject to payment of cost of Rs. 150/- and the case was adjourned to 21.7.2003. On 21.7.2003 the petitioner/complainant was present in person. Neither any affidavit by way of evidence on behalf of the petitioner/complainant was filed nor the cost imposed by the District Forum vide order dated 20.6.2003 was paid. In the presence of the above facts, the learned District Forum was fully justified in closing the evidence of the petitioner/complainant in that complaint case. In our opinion, in the given facts no fault can be found with the above order of the learned District Forum. In view of the position explained above, the present petition, filed by the petitioner is devoid of substance. The same merits dismissal. Accordingly, the same is dismissed in limine with no order as to costs. Revision dismissed.