

**(2000) 10 NCDRC CK 0049**

**In the National Consumer Disputes Redressal Commission**

SAJU

APPELLANT

Vs

YEN INVESTMENT

RESPONDENT

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**Date of Decision :** 10-10-2000

**Acts Referred:**

**Citation :** 2001 1 CPJ 495

**Hon'ble Judges :** L.Manoharan , R.Vijayakrishnan J.

**Final Decision :** Appeal allowed

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**Judgement**

1. THE complainant in O.P. 206/99 on the file of the Consumer Disputes Redressal Forum, Thrissur is the appellant. THE complaint came to be dismissed for default as the notice of the first opposite party was returned with endorsement "abolished". What is to be noted is, there were other opposite parties and simply because the notice to one of the parties was returned with the endorsement "abolished", the complaint cannot be dismissed for default. It ought to have been posted for steps regarding the first opposite party and then after such steps against first opposite party the District Forum ought to have proceeded with the complaint. When such is the position the order of dismissal cannot be supported.

2. IN the result the appeal is allowed, the impugned order is set aside, the District Forum shall restore the complaint to file and post the same for steps regarding the first opposite party and after such steps the District Forum shall proceed to dispose of the complaint in accordance with law. IN this appeal there will be no order as to costs. The parties shall appear before the District Forum on 20.11.2000. Appeal allowed.