
(2002) 05 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

SATISH KUMAR CHAWLA

APPELLANT

Vs

Jasbir Singh

RESPONDENT

Date of Decision : 27-05-2002

Acts Referred:

Citation : 2003 2 CPC 117 : 2003 2 CPJ 389

Hon'ble Judges : H.S.Brar , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Revision Petitions allowed

Judgement

1. ALL these revision petitions, namely, Revision Petition Nos. 13 to 17 of 2002 are being disposed of by a common order as according to both parties common questions of facts and law are involved in all these revision petitions. The facts are being taken from Revision Petition No.13 of 2002.

2. IT's a revision petition filed against the interim order dated 4.2.2002 of the District Consumer Disputes Redressal Forum, Muktsar (hereinafter called the District Forum). The petitioner who is present in person has submitted that he had filed an application under Section 13 read with Section 4(ii) of the Consumer Protection Act, 1986, requesting the District Forum to make the following orders for an effective cross-examination of the complainant's witnesses in attendance : "(I) to call upon the complainant to produce the authentic/certified copy of the civil writ petition in question and as also the power of attorney/ Vakalatnama filed therewith in the Hon'ble High Court; (II) to request the President, District Bar Association, Muktsar to produce the list of members of the District Bar Association, Muktsar; (III) to request and direct the worthy President of the Bar Association of Punjab and Haryana High Court, Chandigarh, and only thereafter to further proceed with the case; (IV) to request the President, District Bar Association, Faridkot to produce the list of members of the District Bar Association, Faridkot.

No request was made by the applicant-petitioner to summon the President of the District Bar Association, Muktsar, Faridkot and President of Bar Association of Punjab and Haryana High Court, Chandigarh. It was only urged before the

District Forum to request the President, District Bar Association, Muktsar and Faridkot to produce the list of members of the District Bar Association, Muktsar and Faridkot and similarly, a request was made to direct the President of the Bar Association of Punjab and Haryana High Court at Chandigarh, to produce the similar list. The District Forum instead of issuing a direction, as prayed, had summoned the President of District Bar Association, Muktsar, Faridkot and the President of the Bar Association of Punjab and Haryana High Court at Chandigarh and the request of the applicant-petitioner to call upon the complainant to produce the certified copy of the civil writ petition and Vakalatnama filed was disallowed. The petitioner urges that the order of the District Forum calling upon the President of District Bar Association, Muktsar, Faridkot and the President of the Bar Association of Punjab and Haryana High Court, Chandigarh, be set aside instead the complainant-respondent be directed to produce the certified copy of the civil writ petition and Vakalatnama filed in the Hon''ble High Court. We have heard the parties who are present in person.

3. SO far as summoning the President of the District Bar Association, Muktsar, Faridkot and the President of Bar Association of Punjab and Haryana High Court, Chandigarh by the District Forum is concerned, is not in line with the request made by the petitioner before the District Forum. No request was made before the District Forum to summon the President of District Bar Association, Muktsar, Faridkot and the President of Bar Association of Punjab and Haryana High Court, Chandigarh. Thus, the order of the District Forum to that extent is set aside. SO far as the request of the petitioner to call upon the complainant-respondent to produce the certified copy of the civil writ petition and Vakalatnama is concerned, it has rightly been disallowed by the District Forum as the photocopy of the judgment passed by the Hon''ble High Court was already on the file. Even otherwise the case was at initial stages and the matters before the District Forums are to be decided mainly on the basis of the affidavits filed by the parties. Thus, the request of the petitioner to call upon the complainant to produce the certified copy of the civil writ petition and Vakalatnama filed in the Hon''ble High Court was rightly disallowed by the District Forum. With these observations, all these revision petitions i.e. Revision Petition Nos. 13 to 17 of 2002 are allowed and the matter is sent back to the District Forum for decision in accordance with law. Let record of the case be immediately sent back to the District Forum. Parties are directed to be present before the District Forum on 25.6.2002. Revision Petitions allowed.