

(1993) 01 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

SHANTI GUPTA

APPELLANT

Vs

PT.RAGHUNATH DASS And CO.-/O.P.

RESPONDENT

Date of Decision : 29-01-1993

Acts Referred:

Citation : 1993 2 CPJ 697

Hon'ble Judges : S.S.Sandhawalia , S.Kulwant Singh J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the District Forum, Ambala which because of its brevity can merit i notice in extenso : - "The complainant has filed this complaint against the respondent alleging therein that he had booked a plot with the respondent and paid Rs. 3000/-as advance money and the balance was to be paid at the time of possession of the plot. According to him, the respondent had alleged that the complainant had not paid the balance amount. The case relates to the breach of contract between the parties and in such cases, this Forum has no jurisdiction. The complainant was called upon to appear to be heard on the point of maintainability of the complaint. However, the complaint did not put in his presence. Hence, the complaint is returned to the complainant being not maintainable."

2. MR. R.K. Gupta being a lay man was somewhat off the mark in assailing the order under appeal. We were invited to take notice of matters completely divorced from the record or take a compassionate view for the appellant de-hors the merits of the case. We find no adequate reason to do either. As is manifest from the order aforesaid, the appellant has only himself to blame for not choosing to put in appearance before the District Forum. It was tenuously suggested that the notice of the dale of hearing of the complaint could not be served upon the appellant in time. We are unable to give any credence to this plea and in any case this is an issue which could only be agitated before the District Forum itself for setting-aside the order on that ground.

We have heard the appellant somewhat patiently despite his digression from the

record. It is unnecessary to advert to the wholly extraneous submissions made. It suffices to say that thereby no adequate challenge to the order under appeal could even remotely be made. Consequently, we find no option but to affirm the same and dismiss this appeal. However, we refrain to burden the appellant with any costs since no appearance has been put in by the respondents. Appeal dismissed.