

(2009) 09 KAR CK 0058
In the Karnataka High Court
Case No : Criminal Petition No. 4267 of 2009

Smt. Roopa

APPELLANT

Vs

Vijaya Kumar and Another

RESPONDENT

Date of Decision : 01-09-2009

Acts Referred:

Consumer Protection Act, 1986 — Section 27

Citation : (2009) 6 KarLJ 574 : (2010) 1 KCCR 151

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : I. Tharanath Poojary, for the Appellant;

Final Decision : Allowed

Judgement

Subhash B. Adi, J.—The petitioner has sought for setting aside the order dated 19-8-2009 in E.P. No. 68 of 2009 on the file of the Dakshina Kannada Consumer Disputes Redressal Forum, Mangalore.

2. It appears, the decree-holder before the Consumer Forum had filed an execution petition for execution of the decree. In this regard, the matter was posted on 19-8-2009. Since the petitioner had not appeared in the case, the Presiding Officer of the District Consumer Redressal Forum had issued non-bailable warrant through Superintendent of Police. At this stage, the petitioner is before this Court.

3. Learned Counsel for the petitioner submits that before issuing NBW, the Presiding Officer is required to follow the procedure contemplated u/s 27 of the Consumer Protection Act, 1986 and the said procedure is not followed. However, he also submits that the petitioner herein would appear before the Consumer Forum on the date fixed by this Court to avoid unnecessary delay in the matter.

4. Considering the submission made by the learned Counsel for the petitioner, if the petitioner is directed to appear before the Consumer Forum on a particular date, it would suffice the purpose for which, the NBW is issued. Accordingly, the

petition is allowed and the order dated 19-8-2009 in E.P. No. 68 of 2009 is set aside, subject to the petitioner appearing before the Consumer Forum on 4th September, 2009.