

(2015) 03 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

Sou Supriya (Jyoti) Ramkrishna (Awadhut) Deshpande	APPELLANT
Vs	
Sou Archana Ajit Kulkarni	RESPONDENT

Date of Decision : 03-03-2015

Acts Referred:

Citation : 2015 2 CPR 24

Hon'ble Judges : AJIT BHARIHOKE , Rekha Gupta J.

Final Decision : Petition dismissed

Judgement

1. THIS revision petition is directed against the order of Maharashtra State Consumer Disputes Redressal Commission, Mumbai (in short, "State Commission") dated 6.9.2010 whereby State Commission concurred with the findings of the District Forum dismissing the complaint and dismissed the appeal No.1176 of 2009 preferred by the petitioner/complainant.

2. THE revision petition however, has been filed after inordinate delay of 923 days as per Registry and 977 days as per the petitioner. Thus, Interim Application No. 840 of 2014 has been filed seeking condonation of delay.

3. LEARNED counsel for petitioner submits that petitioner was prevented for filing revision petition within stipulated period of 90 days because for more than two years she was suffering from hypertension and she was advised total bed rest by treating doctor. We are not convinced with the explanation given for the delay in filing of the revision petition. Firstly, the application is not supported by a medical certificate. Otherwise also, even if it is assumed that the petitioner was suffering from hypertension for more than two years, then also hypertension is not a disease which prevents a person for attending day to day work and it can be controlled by taking proper medication. Thus, we find no reason to condone the inordinate delay. It is well settled that "sufficient cause" for condoning the delay in each case, is a question of fact.

4. IN Ram Lal and Ors. Vs. Rewa Coalfields Ltd., 1962 AIR(SC) 361, it has been observed; "It is, however, necessary to emphasize that even after sufficient

cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a discretionary jurisdiction vested in the Court by S.5. If sufficient cause is not proved nothing further has to be done; the application for condonation has to be dismissed on that ground alone. If sufficient cause is shown then the Court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the Court may regard as relevant".

5. IN R.B. Ramlingam Vs. R.B. Bhavaneshwari, 2009 2 Scale 108 Apex Court has observed ; "We hold that in each and every case the Court has to examine whether delay in filing the special appeal leave petitions stands properly explained. This is the basic test which needs to be applied. The true guide is whether the petitioner has acted with reasonable diligence in the prosecution of his appeal/petition.

6. HON "ble Supreme Court in Anshul Aggarwal vs. New Okhla Industrial Development Authority, 2011 4 CPJ 63(SC) laid down that; "It is also apposite to observe that while deciding an application filed in such cases for condonation of delay, the Court has to keep in mind that the special period of limitation has been prescribed under the Consumer Protection Act, 1986, for filing appeals and revisions in Consumer matters and the object of expeditious adjudication of the Consumer disputes will get defeated, if this Court was to entertain highly belated petitions filed against the orders of the Consumer Foras".

7. EVEN on merits, we find no case. After going through the impugned order of the State Commission, we find it to be a well -reasoned order which cannot be faulted. From the above, it is clear that the petitioner al -through has been grossly negligent in pursuing this matter. Therefore, we do not find any reason to condone the inordinate delay of 923 days in filing of revision petition.

8. IN view of the discussion above, application for condonation of delay is dismissed. Consequently, revision petition is also dismissed as barred by limitation.