

(1993) 02 NCDRC CK 0030

In the National Consumer Disputes Redressal Commission

SRI RAMA DAS MOTOR TRANSPORT LTD.

APPELLANT

Vs

S.KISHORE KUMAR, PARTNER SRI KATYANI AGENCIES

RESPONDENT

Date of Decision : 24-02-1993

Acts Referred:

Citation : 1993 2 CPJ 612

Hon'ble Judges : A.Venkatarami Reddy , Pothuri Venkateswara Rao , J.Ananda Lakshmi J.

Final Decision : Appeal allowed

Judgement

1. THE appeal is filed by the opposite parties 1 to 3 in C.D.No. 266 of 1990. THE opposite parties were called absent and set ex-parte and the District Forum ordered the complaint. When the appeal came for hearing, it is submitted by both the Counsel that there is no evidence adduced by the complainant. As the order is an ex-parte order, an opportunity may be given to both the parties to adduce evidence. Accordingly, the order of the District Forum is set aside and the matter is remanded to the District Forum to give notice to the complainant and the opposite party and after giving them reasonable time for adducing the evidence, if any, decide the case on merits according to law. As the complaint is of the year 1990, we consider it appropriate to direct the District Forum to dispose of the case within three months from the date of the receipt of the records.

2. DURING the pendency of the appeal, an interim order was passed in I.A.257 of 1990 directing the appellant to deposit an amount of Rs. 15,563.00 and permitting the respondent to withdraw the same without furnishing any security. There was a direction to pay the costs also. It is submitted that the said direction was complied with and the respondent withdraw the amount, which was deposited. This withdrawal of the amount will be subject to the final orders to be passed in the consumer dispute, after remand. There shall be no order as to costs. Appeal allowed.