

(2004) 11 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

SUNIL SAINI

APPELLANT

Vs

SARABJEET PANESAR

RESPONDENT

Date of Decision : 02-11-2004

Acts Referred:

Citation : 2005 1 CPJ 481

Hon'ble Judges : K.K.Srivastava , MajGenS.P.Kapoor , Devinderjit Dhatt J.

Final Decision : Revision disposed of

Judgement

1. -HEARD Mr. S.S. Narula, Advocate and perused the impugned order passed by the District Consumer Disputes Redressal Forum-II, U.T., Chandigarh (for short hereinafter to be referred as District Forum).

2. THE main grievance of the learned Counsel for the revisionist is that the application for amendment of the complaint was considered by the District Forum without affording a hearing to the revisionist/his Counsel. It has further been contended that the Zimini order dated 5.10.2004 shows that the parties have been heard on the application seeking amendment of the complaint whereas in fact the Counsel for the revisionist was not given a hearing. Be that as it may, the impugned order, which is under challenged in this revision, has been passed by the District Forum in exercise of jurisdiction vested by law in it and the District Forum has not exercised the jurisdiction which is not so vested in it by law. THE third condition under which a revision petition can be entertained is that the District Forum while exercising the jurisdiction has acted illegally or with material irregularity. Mr. S.S. Narula, Advocate appearing for the revisionist could not show any illegality in the impugned order except the grievance of the hearing not being given to the revisionist/his Counsel. The impugned order does not suffer from any material irregularity and at least the same has not been shown to us. So far as the grievance of hearing not being given to the learned Counsel for the revisionist is concerned, we have heard him and have perused the impugned order. The hearing has thus been afforded to the learned Counsel for the revisionist and on that score, this grievance does not survive. We are also of

the opinion that the revisionist may file reply to the amended pleading in the complaint case and in that they can take appropriate pleas in respect of the amendments made in the complaint and the same being either factually incorrect or legally not maintainable and thereafter address arguments in this regard at the time when the complaint is taken up finally for disposal. The revision is disposed of accordingly. Copies of this order be sent to the parties free of charge. Revision disposed of.