

(2015) 02 NCDRC CK 0117

In the National Consumer Disputes Redressal Commission

T P H Tours And Travels

APPELLANT

Vs

Sudhakar Gnyaneshwar Khad

RESPONDENT

Date of Decision : 12-02-2015

Acts Referred:

Citation : (2015) 02 NCDRC CK 0117

Hon'ble Judges : J.M.MALIK J.

Final Decision : Petition disposed

Judgement

1. LEARNED counsel for the parties present. Costs stand paid.
2. LEARNED counsel for the respondent has not filed Vakalatnama. She is directed to file memo of appearance immediately.
3. ARGUMENTS heard. The State Commission passed the following order: "None present for the appellant even on second call. Appeal is therefore dismissed for want of prosecution."
4. LEARNED counsel for the petitioner submits that he had noted a wrong date. Learned counsel for the respondent has no objection if the appeal is restored subject to heavy costs. Learned counsel for the respondent further submits that learned counsel for the petitioner was absent on 2 -3 hearings before the District Forum and the purpose of the petitioner is to delay the case unnecessarily.
5. IF the counsel for the petitioner has noted a wrong date, it therefore, means that he is negligent. Though I am not satisfied with the explanation given by learned counsel for the petitioner because in such like cases, such like pleas are taken in each and every case, yet, in the interest of justice, the first appeal before the State Commission is restored subject to payment of Rs.10,000/- as costs, which be paid through demand draft in favour of Shri Sudhakar Gnyaneshwar Khade. The same be paid to the respondent/complainant before the State Commission on the next date of hearing. The petitioner is directed to deposit the entire decretal amount with the District Forum within a period of four weeks, if not already deposited. The State Commission will satisfy itself that the

costs stand paid, otherwise, it will dismiss the appeal for want of prosecution. The parties are directed to appear before the State Commission on 9.3.2015 and the State Commission is requested to expedite the case as early as possible.

6. THE revision petition stands disposed of in the above said terms.