
(2015) 04 NCDRC CK 0107

In the National Consumer Disputes Redressal Commission

V N Sundararajan

APPELLANT

Vs

Managing Director, Mahindra And Mahindra Ltd

RESPONDENT

Date of Decision : 15-04-2015

Acts Referred:

Citation : (2015) 04 NCDRC CK 0107

Hon'ble Judges : V.B.GUPTA J.

Final Decision : Appeal dismissed

Judgement

1. HEARD .

2. DELAY condoned.

3. IN this appeal, there is challenge to impugned order dated 20.01.2015 passed by State Commission. Appellant, who was complainant before the State Commission, filed a consumer complaint in year 2012. The complaint was contested by the Respondents/Opposite Parties. On 20.01.2015, when matter was listed before the State Commission, on that day complainant was not present, though counsel for respondents were present. Since, appellant was not present, the State Commission dismissed the complaint for default.

4. IT is submitted by learned counsel for appellant that local counsel engaged by the appellant did not inform him about the hearing of the case pending before the State Commission. Now, appellant has engaged a new counsel and last opportunity may be given to the appellant.

5. THE impugned order passed by State Commission read as under: - "The complaint is posted today for appearance of the complainant and for filing proof affidavit of the complainant or for disposal. Today, the complainant called, absent. No representation for the complainant. In spite of several chances given, the complainant has not filed proof affidavit on his side; but, on the side of the opposite party, proof affidavit has been filed. The complainant was continuously absent for various hearings on 17.12.2014, 23.12.2014, 06.01.2015 and even today. This shows that the complainant is not interested in prosecuting the case.

No purpose would be served if the complaint is kept pending before this Commission without any progress. Hence, the complaint is dismissed for default. No costs."

6. IT is well settled that, it is the duty of the litigant to keep himself informed about the day -to -day proceedings. The litigants are not supposed to depend merely on their Advocates for pursuing their case. No fault can lie at the door of previous counsel.

7. IN the present case, it is manifestly clear that appellant was continuously absent for 4 hearings nor did he file proof affidavit, whereas respondents had filed the affidavit. Under these circumstances, no sufficient cause is made out for restoration of the appeal. There is no infirmity or ambiguity in the impugned order passed by the State Commission. Present appeal, accordingly stand dismissed. 8. Dasti.