

(1992) 09 NCDRC CK 0005

In the National Consumer Disputes Redressal Commission

VEEJAYS TRADING CORPORATION

APPELLANT

Vs

DINESH DINKARRAO SHIRKHANDE

RESPONDENT

Date of Decision : 22-09-1992

Acts Referred:

Citation : 1992 0 NCDRC 50 : 1992 3 CPJ 49 : 1994 1 CLT 330

Hon'ble Judges : V.BALAKRISHNA ERADI , A.S.VIJAYAKAR , Y.KRISHAN ,
B.S.YADAV J.

Advocate : RAKESH TIKKU , S.K.PUNSHI

Judgement

1. HEARD both sides. Having regard to the fact that the notice issued by the State Commission intimating the appellant that his appeal would be heard at Nagpur on 20th November, 1991, was served on the appellant at Bombay only on 19th November, 1991 giving him hardly adequate time to make arrangements for his appearance either in person or through authorised representative at Nagpur on the next day, the dismissal of the appeal on the ground of default of the appearance of the appellant was not just, proper or fair. Natural justice demanded that a reasonable opportunity should have been given to the appellant to appear and put forward his case before the State Commission at the time of hearing of the appeal. This requirement can be said to be complied with only if the notice given allows him time that is reasonably sufficient to make arrangements for his appearance at Nagpur either in person or through authorised representative. Inasmuch as this basic requirement of justice had not been complied with before passing the impugned order dismissing the appeal for default of appearance, we are constrained to set aside the order and remand the appeal to the State Commission for disposal afresh in accordance with law after hearing both sides. The Revision Petition is allowed to the extent indicated above. The parties will bear their respective costs.