

(1992) 11 NCDRC CK 0008

In the National Consumer Disputes Redressal Commission

YOGESH TRADING CORP.

APPELLANT

Vs

MANOHAR RAMCHANDRA BHOSALE

RESPONDENT

Date of Decision : 12-11-1992

Acts Referred:

Citation : 1992 0 NCDRC 35 : 1994 1 CLT 302

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

Advocate : Bharati K.Gujar

Judgement

1. THERE is no appearance for the respondent.

2. HAVING heard the authorised representative of the Revision Petitioner, and gone through the records of the case we are clearly of the view that the State Commission was not right in dismissing the appeal for default without considering the points raised in the appeal memorandum on the merits. The appellant had submitted a written representation before the State Commission submitting that he is a handicapped person and hence unable to be present before the State Commission and had filed before the State Commission his written arguments with the prayer that those arguments may be considered while deciding the case. The State Commission has not even adverted to those written arguments but has merely proceeded to dismiss the appeal for default of appearance of the appellant. In our opinion this was not just, fair or proper. We >>et aside the order of the State Commission and remand the appeal to it for fresh disposal in accordance with law on the merits, in the light of the observations contained in this order. The parties should be intimated the fresh date of hearing fixed for the appeal before the State Commission and it will be open to the appellant either to appear in person or to rely on his written arguments. In the latter event, the State Commission shall consider all the points and aspects put forward in the written arguments while disposing of the appeal on the merits. The revision petition is allowed as above.