



2025:JHC-1 K0:89857

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 7239 of 2025

Shriram Transport Finance Company Ltd. Thru.
General Manager And 2 Others

.....Petitioner(s)

Versus

Imam Ali And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Vishnu Kumar Mishra
Counsel for Respondent(s)	:	

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Vishnu Kumar Mishra, the learned counsel for the petitioners and perused the records.
2. By means of the instant petition filed under Article 227 of the Constitution of India the petitioners have challenged the validity of an order dated 21.05.2025, passed by the National Consumer Redressal Commission, New Delhi, whereby the State Commission has rejected the application for condonation of delay of 1686 days in filing an appeal against the judgment and order dated 20.09.2018, passed by the State Consumer Disputes Redressal Commission in Appeal No.1026 of 2008 stating that the appellant had not been appearing in appeal for the past numerous dates and was not prosecuting the appeal. It appears that the appellant has lost interest in the appeal. Accordingly, the appeal was dismissed for want of prosecution.
3. The learned counsel for the petitioners have submitted that the averment made in the order dated 20.09.2018 is incorrect as Sri R.K. Pandey, Advocate had filed a caveat on behalf of the opposite parties, as is apparent from a copy of the order dated 08.02.2018 passed in appeal, which is annexed with the petition. Therefore the appellant was not required to take steps.
4. Be that as it may, the learned counsel for the petitioner does not dispute the fact recorded in the order dated 20.09.2018 that the appellant had not been appearing in Appeal No.1026 of 2008 for

several dates prior to 20.09.2018, nobody appeared on their behalf on 20.09.2018 and no request for adjournment of the appeal was made. Further even after dismissal of the appeal on 20.09.2018 no step was taken by the petitioners-appellants for restoration of appeal promptly. It is only after 1686 days that the order dated 20.09.2018 was challenged by filing Revision No.600 of 2025 before the National Commission.

5. A copy of the application for condonation of delay of 1686 days in filing the revision has not also not been annexed with the petition.

6. It is mentioned in the order dated 21.05.2025 that the ground mentioned in the application for condonation of delay is that the former advocate who had been retained by the petitioners failed to appear before the State Commission and communicate the order to the petitioners. The petitioners got to know about dismissal of the appeal only upon receipt of recovery certificate from the respondents, but no date of receipt of recovery certificate was mentioned in the application for condonation of delay.

7. In **Rajneesh Kumar v. Ved Prakash**, 2024 SCC OnLine SC 3380, the Hon'ble Supreme Court has observed that: -

"10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief."

8. It has been pleaded in the petition that the complainants-respondents had filed Complaint No.187 of 2006 before the District Consumer Disputes Redressal Forum, Sultanpur. The petitioners had filed their objections against the complaint. The complaint was

decided by means of a judgment and order dated 29.04.2008. The petitioners challenged the order by filing an appeal, which has been dismissed for want of prosecution by means of an order dated 20.09.2018. Against the aforesaid order the petitioners have filed a revision with delay of 1686 days. There is no mention in the entire petition regarding the reason for delay of 1686 days in filing the revision and in the grounds taken in the petition it has been stated that the National Commission has dismissed the revision filed with a delay of 1686 days in gross violation of principles of natural justice. Even in this petition the date of acquiring knowledge of dismissal of appeal upon receipt of recovery certificate has not been disclosed. A copy of the recovery certificate has been annexed with the petition which shows that it has been issued in furtherance an order dated 22.08.2024, passed in Execution Case No.6 of 2008 but it does not disclose the date of its receipt by the petitioners.

9. In these circumstances, this court is of the view that the National Commission has rightly declined the application for condonation of delay of 1686 days as the petitioners do not make out a sufficient cause for condonation of delay. In absence of any error or illegality committed by the National Commission in passing the impugned order dated 21.05.2025 there is no force in the petition. The petition being bereft of any merit is accordingly **dismissed**.

December 17, 2025
Ram.

(Subhash Vidyarthi,J.)