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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9755 OF 2014

Branch Manager, Shriram Transport Finance Co. Ltd. PETITIONER

VERSUS

Shakuntalabai Ankushrao Kundgir

RESPONDENT

.....
Mr. S. S. Gangakhedkar, Advocate for the petitioner
Mr. P. S. Paranjape, AGP for respondent State
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 17th JULY, 2015

ORDER :

1. The petition has been moved against dismissal of an appeal filed by the petitioner before the State Consumer Dispute Redressal Commission, Circuit Bench, Aurangabad, on 5th June, 2014.

2. The appeal has been disposed of by the commission observing that while the matter was recalled out around 5.10 pm, nobody for the appellant had turned up and proxy advocate for the respondent had submitted written notes of arguments. The order purports to refer to that on perusal of the order impugned in the appeal, there does not appear to be any

infirmity in the same, beyond that the order does not depict any application of mind. The order, as such, appears to be an order more on default rather than on merits.

3. Having regard to the reasons, as have been referred to in the writ petition, for default of appearance of advocate for the petitioner on said date, I deem it appropriate and I would follow the suit as has been followed in many cases by this Court, and set aside the impugned order and restore the appeal, subject, however, to payment of costs.

4. Writ petition, as such, stands allowed. Impugned order dated 5th June, 2014 passed by State Consumer Dispute Redressal Commission, Circuit Bench, Aurangabad in Appeal No.314 of 2010 stands set aside. Appeal No. 314 of 2010 is restored to its position, as was subsisting before 5th June, 2014, subject to payment of costs of Rs.5000/-. The amount of cost be deposited in the State Commission, within a period of four weeks from the date of receipt of writ of this order with the State Commission.

[SUNIL P. DESHMUKH, J.]