

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1628 OF 2012

Sahdeo Sukaji Satardekar & Anr.	..	Petitioners
vs.		
Mrs. Vasanti Prabhakar Pawaskar since deceased through her legal heirs Ajay P. Pawaskar & Ors.	..	Respondents

WITH
WRIT PETITION NO. 4208 OF 2012

Sahdeo Sukaji Satardekar & Ors.	..	Petitioners
vs.		
Narayan J. Shetye & Ors.	..	Respondents

Mr. P. V. Samant i/b. Mr. Pradeep Samant & Associates for
Petitioners in both Petitions.

Mr. A. M. Adagule i/b. S. R. Ganbavale for Respondent No. 3 in
WP 1628 of 2012.

CORAM : M. S. SONAK, J.
DATE: 11 MARCH 2015

P.C. :-

1] Both these petitions challenge the orders dated 26 December 2011 made by the District Consumer Redressal Forum in exercise of powers conferred by Section 27 of the Consumer Protection Act 1986 (said Act).

2] Section 27A of the said Act provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973, appeal under Section 27, both on facts and on law, shall lie from the order made by the District Forum to the State Commission. Sub Section 3

of Section 27A provides that every appeal under this section shall be preferred within a period of thirty days from the date of the order of the District Forum and the proviso thereto provides that the State Commission, if it is satisfied that the appellant had sufficient cause, if any, for preferring the appeal within the period of thirty days, may entertain appeal after the expiry of the said period of thirty days.

3] In view of the aforesaid provisions, there is no necessity to entertain the present petitions. However, the petitioners are at liberty to institute appeals under Section 27A of the said Act and if such appeals are instituted within a period of four weeks from today, then the period between 8 February 2012 and the date of institution of the appeals, shall be regarded as a period spent by the petitioners in bonafide pursuing these petitions as against the impunged orders. This aspect shall be taken into consideration by the State Commission, for the purposes of considering the issue of sufficient cause for not preferring the appeal within thirty days from the date of the impunged order.

4] With the aforesaid observations, present petitions are disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)