

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.423 of 2015

(Dilip s/o. Vishnupant Rakmangad .vs. Deptt. Of Union Consumer Affairs, New Delhi and Ors.)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P.DHARMADHIKARI &
 S.B.SHUKRE, JJ.

DATE : 21.4.2015.

Heard Mr.M.M.Ekre, learned Counsel for the petitioner, Mr.Rohit Deo, learned Assistant Solicitor General of India for respondent nos. 1 and 2 and Ms.A.S.Athalye, learned Counsel for respondent no.8. Though other private respondents are stated to be served by paper publication, they are not appearing. It is not in dispute that even before the Consumer Forum they did not appear.

Effort of Mr.M.M.Ekre, learned Counsel is to demonstrate that though provisions of Section 25 of the Consumer Protection Act, 1986 have been amended in the year 2002, said amendment practically does not deprive the Consumer Forum of its powers to do complete justice between the parties. The learned Counsel is relying upon the Judgment delivered by the Madras High Court on 5.11.2007 in Writ Petition No.34217 of 2007 to support his contention. He also points out that the law, as settled by the Hon'ble Apex Court in its Judgment reported at **2003 (2) SCC 412, State of Karnataka .vs. Vishwabharathi**

House Building Coop. Society and Others, does not undergo any change because of such amendment.

Ms A.S.Athalye, learned Counsel appearing on behalf of respondent no.8 states that respondent no.8 is always ready and willing to execute sale deed in favour of the petitioner.

Mr.Rohit Deo, learned A.S.G.I. submits that he is still awaiting instructions from respondent nos. 1 and 2. However, according to him, the purpose behind change in the language of Section 25 and the amendment, as brought into force vide Amendment Act No.62 of 2002 w.e.f. 15.3.2003, needs elaborate consideration.

Mr.M.M.Ekre, learned Counsel points out that the petitioner is in possession since last over 25 years and has gone to Consumer Forum for redressal of his grievance. He reiterates that it is complete code.

After hearing the learned Counsel for the respective parties, we find that the question of law being raised by learned Counsel Mr.Ekre may require hearing in detail. However, here, respondent no.8 is not opposing execution and registration of sale deed in favour of the petitioner. Similarly, other respondents though served, have chosen not to oppose the petition. They have also not opposed the prayer made before the Consumer Forum.

In this situation, when the petitioner before this Court is in possession since long and is in enjoyment of the property, we find that the interest of justice can be met with by directing respondent no.8 to register and execute the sale deed in favour of the petitioner in accordance with law, at the costs of the petitioner, within a period of six

weeks from today. Insofar as other respondents, who have to join in execution thereof are concerned, we direct the Registrar of District Consumer Redressal Forum at Nagpur to sign and execute the Sale deed on their behalf.

With these directions and keeping the question of law open for consideration in appropriate facts, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

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