

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4679 OF 2015

Mahesh Tulshiram Pathak and another .. Petitioners

Versus

Anil Vishnu Tambe and others .. Respondents

Shri N. C. Garud, Advocate for Petitioners.
Respondent Nos. 1 to 3 and 15 served.

WITH

WRIT PETITION NO. 4681 OF 2015

Mahesh Tulshiram Pathak and another .. Petitioners

Versus

Narayan Gangadhar Dafal and others .. Respondents

Shri N. C. Garud, Advocate for Petitioners.
Respondent Nos. 1, 2 and 14 served.

CORAM : S. V. GANGAPURWALA, J.
DATE : 21ST MARCH, 2016.

PER COURT :-

1. The notice for final disposal was issued by this Court. The contesting respondents though served are absent. The appeals filed by the present petitioners before the Maharashtra State Consumer Dispute Redressal Forum, Mumbai, Circuit Bench at Ahmednagar against the judgment of the District Consumer Forum are dismissed in default.

2. Mr. Garud, the learned counsel submits that the Advocate of the petitioners on the last date could not reach in time to attend the matters. He was late in attending the Court. The petitioner No. 2 was deputed to attend the Court. He also could not reach the Court in time.

The learned counsel submits that, non attendance in the Court on the said date was not deliberate or intentional but due to the aforesaid reasons only.

3. As contesting respondents though served are absent and notice of final disposal is issued I have taken up the matters.

4. The reason is given for non attendance of the petitioners on the said date. The advocate of the petitioners so also the petitioner No. 2 was deputed for the said purpose could not attend the Court. The reason given is a plausible reason. In view of that I am inclined to grant one more opportunity to the petitioners to contest the appeals on merits however the petitioners deserves to be mulct with costs.

5. In the result, I pass the following order -

ORDER

I] The impugned orders are quashed and set aside on condition that petitioners deposits costs of Rs.7500/- (Rs. Seven Thousand Five Hundred only) in each matter before the State Consumer Forum to be payable to the contesting respondents / Original complainants on or before 12th April, 2016.

II] The petitioners shall appear before the State Consumer Forum on 12th April, 2016.

6. The writ petitions are accordingly disposed of. No costs.

[S. V. GANGAPURWALA, J.]