

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2811 OF 2015

The Branch Manager,
State Bank of India,
Dhondaicha Branch
Dhondaicha, Tq. Sindkheda,
Dist. Dhule.

Petitioner.
(Orig Appellant)

VERSUS

Dharmaraj Chindha Patil
age 55 yrs, Occ. Agri,
R/o At Post Ranjane,
Tq. Sindkheda, Dist. Dhule.

Respondent.
(Orig complainant)

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Advocate for Petitioner : Mr M V Bhamre
Advocate for Respondent : Mr V B Madan

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CORAM : V.K. JADHAV, J.
Dated: February 03, 2016

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ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel for the parties, taken up for final hearing.

2. By way of this writ petition, the petitioner is taking exception to the order passed by the Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench at Aurangabad in First Appeal Stamp no.426 of 2014

on 10.12.2014. Being aggrieved by the judgment and award passed by the District Consumer Dispute Redressal Forum Dhule, the petitioner has preferred said first appeal on stamp, to challenge the decision along with the receipt of payment of Rs.10,000/- i.e. 50% of the amount of the benefit ordered to be paid by the District Consumer Redressal Forum, Dhule. Since the counsel remained absent, at the time of the removal of the objections, said first appeal is dismissed for want of prosecution.

3. Learned counsel for the petitioner submits that, as per the judgment and order passed by the District Consumer Disputes Redressal Forum Dhule, the petitioner herein is directed to give the benefit of certain scheme to the extent of Rs.20,000/- to the respondent and also directed to pay Rs.1,000/- on account of mental harassment caused to the original complainant and Rs.500/-as costs. Learned counsel submits that since the petitioner has deposited only Rs.10,000/- and the petitioner has not deposited 50% amount of the said compensation, and costs, the appeal is dismissed for want of prosecution i.e. for not removing office objections. Learned counsel submits that in similar circumstances, this Court in writ petition no.10144 of 2013 and also WP No.531 of 2014 restored the appeal to its

original stage.

4. I have heard learned counsel for respondent, also.

5. It appears from the impugned order that, the appeal on stamp came to be dismissed on the ground that neither the petitioner/appellant nor his counsel is present for removing the office objection. In view of this, following order is passed.

ORDER

1. Writ Petition is hereby allowed.

2. The order dated 10.12.2014 passed in First Appeal (Stamp) No.426 of 2014 by the Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench at Aurangabad, is hereby quashed and set aside.

3. First Appeal Stamp No.426 of 2014 is hereby restored to its original stage.

4. The petitioner/original appellant shall appear before the Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench at Aurangabad on 2.3.2016 and remove the office objections.

5. Rule is made absolute in above terms. Writ Petition is disposed of.

(V.K. JADHAV, J.)

aaa/-

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