

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8310 OF 2014

Parsholex Agroplast Pvt. Ltd.

..Petitioner

V/s.

Prakash Bhimrao Patil

.. Respondent

Mr.Vaibhav A. Sugdhare I/by Mr.Nilesh Patil for the petitioner.
None present for Respondent.

CORAM : M.S. SONAK, J.

DATE : 18th APRIL, 2016.

P.C.

1. Rule. By order dated 06th February 2015, parties were already put to notice that this matter will be disposed of finally at the stage of admission itself.

2. The challenge in this petition is to the order dated 18th June 2014 made by the State Consumer Dispute Redressal Commission, Mumbai, dismissing petitioners First Appeal No.A/13/193 for default. On the ground that the commission lacks jurisdiction to recall orders made by it dismissing the appeals for default, the petitioner has instituted the present petition challenging the order dated 18th June 2014.

3. This petition was instituted on 22nd August 2014. In the petition, the petitioner has explained the circumstances in which the Advocate for the petitioner could not remain present before the commission when the impugned order dismissing the appeal for non-prosecution came to be made. The explanation does indicate some sufficient cause for Advocates absence on the said date. However, the impugned order indicates that on an earlier occasion as well, neither any representative of the petitioner nor his advocate were present.

4. Therefore, the impugned order can be set aside subject to payment of some reasonable costs.

5. The impugned order dated 18th June 2014 is hereby set aside. The petitioner First Appeal No.A/13/193 is restored to the file of the Commission. All this is subject to the petitioner paying cost of Rs.5,000/- to the respondent Shri.Prakash Bhimrao Patil within a period of four weeks from today.

6. Rule is made absolute to the aforesaid extent.

7. All concerned to act on the basis of the authenticated copy of this order.

8. The parties to appear before the Commission on 09th June 2016. In case, the respondent is not present on the said date, the commission is requested to issue a fresh notice to the respondent. The learned counsel for the petitioner also undertakes to serve a notice to the respondent.

(M.S. SONAK, J.)