

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2940 OF 2015

Ayushakti Ayurved Pvt.Ltd. and anr. .. Petitioners

Vs.

Sudesh Udaywar .. Respondent

Mr.Rajiv Narula i/b J.Narula & Associates, for the Petitioners.
Mr.G.S.Patil, for Respondent.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.**

DATE : 28th SEPTEMBER, 2016

P.C. :

. Parties through their Counsel.

2. By filing this Petition under Article 226 of the Constitution of India, the petitioners have challenged the order dated 31/07/2015 passed by the District Consumer Forum in Complaint No. 342 of 2003 whereby the District Consumer Forum had refused to review the order dated 07/11/2014 whereby the respondents – petitioners herein have been denied the opportunity to file questionnaire.

3. Having heard learned Counsel for the parties, we are of the view that there was sufficient cause for the petitioners for

not filing the questionnaire within the time earlier fixed by the Consumer Forum and in the circumstances, the Consumer Forum ought to have allowed the petitioners to file the questionnaire which was ready and was actually tried to be tendered on that date. By not doing so, the Consumer Forum has denied the fair opportunity to defend to the petitioners and thereby acted in violation of principles of natural justice.

4. In the circumstances, we are of the view that the impugned orders deserve to be quashed and are hereby quashed, but keeping in view the fact that the petitioners were not vigilant in filing the questionnaire within the time specified by the Consumer Forum, we direct the petitioners to pay costs of Rs. 15,000/- to the respondent-herein within one week. On payment of such cost, the Consumer Forum to take the questionnaire on record on the next date of hearing and then proceed in the matter in accordance with law.

5. The Petition is disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)