

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

WRIT PETITION NO. 11304 OF 2017

**BHARAT VITTHALRAO SHETE
VERSUS
THE MANAGER PREMIER MOTORS MUMBAI AND OTHERS**

...
Advocate for the Petitioner : Shri Anjanwatikar Vinay B.
Advocate for Respondent 1 : Shri Amol Gandhi.
Advocate for Respondent 2 : Shri M.V.Navandar.
Advocate for Respondent 3 : Shri Narwadkar Mrigesh D..

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th October, 2017

Per Court:

1 The Petitioner is aggrieved by the "Dismissed In Default" (DID) order passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad dated 25.07.2017 in First Appeal No.144/2017.

2 I have heard the learned Advocates for the respective sides.

3 The learned Advocates for the Respondents have strenuously prayed that this petition be dismissed with costs. In the alternative, it is prayed that costs of Rs.25,000/- be imposed.

4 This Court has consistently taken a view in several cases, some of which are as under:-

- (a) Hemlata Kantilal Thole vs. United India Insurance Company Limited, Writ Petition No.8401/2013, judgment dated 16.01.2014.
- (b) Kapurchand Kotecha Urban Cooperative Credit Society Limited vs. Mangilal Bhikchand Jain, Writ Petition No.531/2014, judgment dated 20.02.2014.
- (c) Arun Sudamrao Modale vs. Sangmeshwar Tractor Authorised Dealer, Ahmedpur and another, 2014 (4) Mh.L.J. 757.

thereby, setting aside the DID orders passed by the State Consumer Commission and restoring the First Appeals by imposing costs of Rs.5000/- on the Appellants.

5 Considering the above, this Writ Petition is allowed in the light of the law laid down in the above referred cases. The impugned order is set aside and the First Appeal is restored to the file of the State Consumer Commission subject to the Petitioner depositing costs of Rs.6000/- (Rupees Six Thousand) keeping in view that there are three independent Respondents before the State Consumer Commission. The Petitioner shall deposit the above costs before the State Consumer Commission on or before 31.10.2017. The three Respondents herein shall receive the said costs without conditions, in equal proportions.

6 All the litigating parties request that the matter be posted on a particular date before the State Consumer Commission so as to avoid wastage of time. The request is accepted. All the litigating sides shall appear before the State Consumer Commission on 31.10.2017.

7 The Petitioner should note that any further default by remaining absent, would enable the State Consumer Commission to dismiss the matter in default, in which circumstances, no further request would be entertained.

kps

(RAVINDRA V. GHUGE, J.)