

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.731 OF 2015

01 Yeshwant Nagari Sahakari
Patsanstha Maryadit,
Head Office, State bank Road,
Shrirampur, Dist.Ahmednagar,
through Assistant Manager -
Sharad s/o Haribhau Parbhale,
aged: 33 years, Occ: service;

02 Yeshwant Nagari Sahakari
Patsanstha Maryadit,
Bench at Kolhar,
Zumbarlal Kunkulol Market,
Kolhar, Tq. Rahata,
District Ahmednagar.

Petitioners

Versus

01 Mohammad Nasim Malik,
aged: 52 years, Occ: Business,
R/o Babhleshwar, Tq. Rahata,
District Ahmednagar.

02 Gaikwad Chaya Rajendra,
aged: major, Occ: Business,
R/o Loni-Kolhar Road,
Near Pachmori, Kolhar,
Bhagwatipur, Tq. Rahata,
District Ahmednagar.

Respondents

Mr.R.L.Kute, advocate for the petitioners

CORAM : S.B.SHUKRE, J.
DATE : 16th February, 2017

ORAL JUDGMENT :

1 Heard learned Counsel for the petitioners. On the last

date, it was argued by the learned Counsel for petitioners and Respondent No.1, that this petition may be taken up for final disposal today and it is accordingly taken up. It was also pointed out by Respondent No.1 that Respondent No.1 would be relying upon the written submissions already placed on record and there would be no need for making further submissions and this Court may pass appropriate order. Respondent No.2 is not a contesting party.

2 Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for petitioners and Respondent No.1 – contesting party.

3 On going through the nature of dispute, I am of the view that interest of justice shall be served by quashing and setting aside the order of dismissal of appeal in default and permitting the parties to make their submissions before the State Commission on merits of the case. Inconvenience caused to Respondent No.1 could be compensated by way of money.

4 In this view of the matter, the impugned order dated 03.12.2014, is quashed and set aside and the First Appeal No.356 of 2014 is restored to original file of the State Consumer Redressal Commission, Circuit Bench at Aurangabad. It shall be decided on merits, in accordance with law, after granting opportunity of hearing to both the sides. The parties to appear before the State Consumer Redressal Commission, Circuit Bench at Aurangabad, on 27th March, 2017. This order is made subject to payment of cost of Rs.5000/- (Rs. Five thousand) by the petitioners to Respondent

No.1 within two weeks from the date of the order. The amount of Rs.50,000/- (Rs. Fifty thousand) deposited by the petitioners shall be subject to the result of the First Appeal.

5 Writ Petition is allowed in above terms. Rule is made absolute in above terms. Pending Civil Application does not survive and stands disposed of accordingly.

S.B.SHUKRE
JUDGE

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