

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 08-09-2017

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.NPD.No.3214 OF 2017

G.Suresh Menon

Petitioner

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-VS-

1.The Manager,
Marikar and Co.Ltd.,
H.P.Pump Division,
Munnar,
Idukki District,
Kerala -685 612.

2.Hindustan Petroleum Corporation Limited,
HPCL, Kochi Retail RO,
Cochin, P.O.Box 1601,
Ernakulam North P.O.,
Cochin,
Kerala - 682 018

Respondents

Petition under Article 227 of the Constitution of India against the order, dated 24.05.2017, passed in Unnumbered C.C.Sr.No.297 of 2017 on the file of District Consumer Redressal Forum, Chennai South.

For petitioner : Mr.V.Lakshminarayanan

ORDER

This Civil Revision Petition has been filed against the return of the complaint presented before the District Consumer Redressal Forum, Chennai South, Chennai. The reason for return of the complaint is that the opposite parties are doing business in Kerala State and hence no cause of action has arisen within the jurisdiction of the Court below.

2. Learned counsel for the petitioner would argue that though the initial cause of action has arisen at Kerala State in filling up diesel instead of petrol, there were no mechanical shops available to repair the vehicle at Munnar, where the first opposite party resides and carries on business, and, due to the deficiency committed by the first opposite party, the vehicle had to be brought to Chennai, where only, the assessment of damage would be made. He would also submit that in view of the deficiency committed by the first respondent, the petitioner has lost the insurance and other warranties of the vehicle at Chennai, by its service providers. Accordingly, the learned counsel would submit that as the assessment of damages has taken place only at Chennai and the repair of the vehicle pursuant to the deficient act committed by the first respondent has taken place only at Chennai, it has to be reckoned that cause of action has arisen within the jurisdiction of the District Consumer Forum, Chennai, also.

3. This Court finds substance in the submissions made by the learned counsel for the petitioner. Accordingly, the District Consumer Forum, Chennai South, Chennai, is directed to number the complaint, subject to maintainability, and proceed further in accordance with law.

4. With the above direction, this Civil Revision Petition is disposed of.

08-09-2017

Index : Yes/No

Internet : Yes/No

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Note to Office :

Return the Original Documents to the counsel for the petitioner.

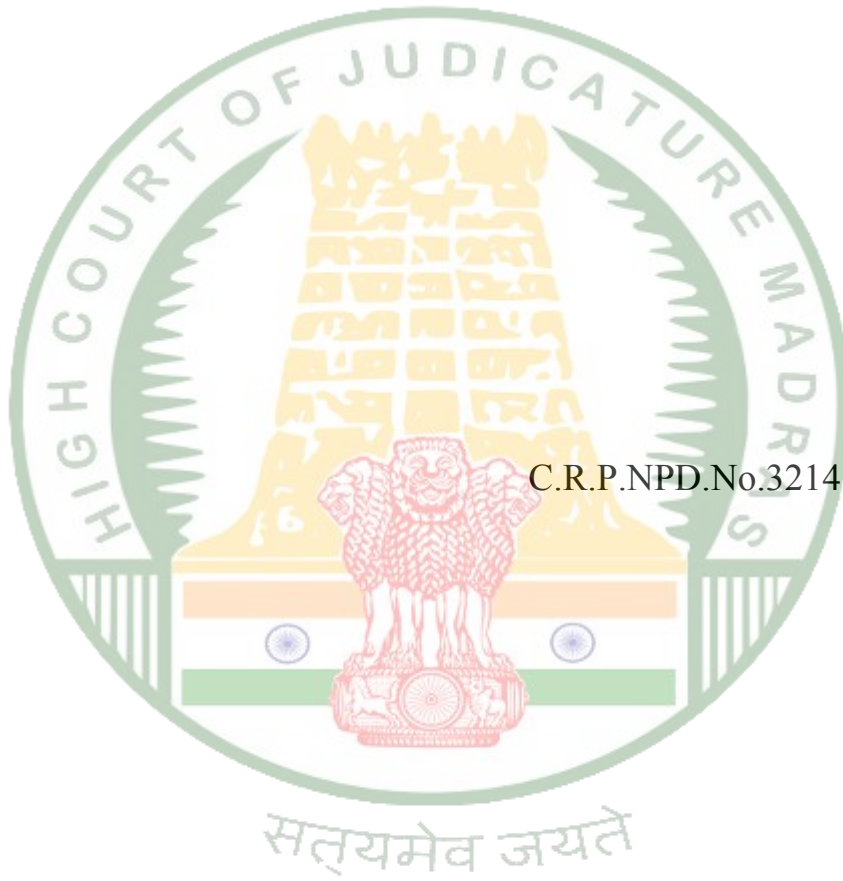
To

The District Consumer Forum,
Chennai South,
Chennai.

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M.GOVINDARAJ,J.

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