

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.905 of 2014
Date of Decision: January 24, 2017

Ram Murti

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Sandeep Singh, Advocate,
for the petitioner.

Mr.Sandeep Singh Mann, Senior Deputy Advocate General,
Haryana for the State.

Mr.Sanjay Jain, Advocate,
for respondent No.3.

Ms.Charu Sharma, Advocate for
Mr.Anish Gautam, Advocate,
for respondent No.4.

AMIT RAWAL, J. (Oral)

After hearing arguments for some time, learned counsel for the petitioner seeks liberty of this Court to file a civil suit to claim damages as detailed evidence is required for proving the quantification of amount of Rs.20,00,000/- as claimed, much less the file of the appellate court to establish, who had been instrumental in seeking adjournments as the order of the State Consumer Forum was assailed by the manufacturer/dealer by taking the statutory remedy of appeal and there was an interim stay. He further submits that in case the suit is filed, the period spent in this Court be condoned.

I am in agreement with the contention of the learned counsel for the petitioner and of the view that it would require detailed evidence being a disputed question of law. The petitioner is required to lead evidence for the purpose of claiming damages quantified as Rs.20,00,000/- and other attending circumstances.

In case the suit is filed accompanied by an application seeking condonation of delay, the period spent in the writ petition shall be deemed to have been condoned as per the provisions of Article 14 of the Limitation Act as the order of the State Consumer Forum is dated 30.11.2012 and the writ petition had been filed in January, 2014. The suit can be filed within three years as one year was still left.

With the aforementioned observations, the writ petition stands disposed of.

January 24, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No