

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3253 OF 2018

Mrs. Prema Surendra Vijayakar & Ors.

..Petitioners

Vs

Shri Jayant Vishanji Dharod & Ors.

..Respondents

Mr. Ashwin Shete a/w Abhyay Dhadiwal & Petitioner.

Mr. Abad Ponda I/b Mr. Manoj Mhambrey & Mr. S. D'Souza for respondent No.1.

CORAM : A.S.GADKARI, J.

DATE : 6th October 2018.

P.C.:

1] Petitioners have impugned the Order dated 5th July 2018 passed by the District Consumer Disputes Redressal Forum, Central, Mumbai in Execution Application No.EA/16/28 in Complaint Case No.CC/13/197, issuing non-bailable warrant against the petitioners in the said Execution proceedings.

2] The said Order is an appealable Order before the State Consumer Appellate Tribunal under the Consumer Protection Act, 1986. However, after taking into consideration the age of the petitioner Nos.1 and 2 who are aged about 82 and 85 respectively, this Court by an Order dated 31.7.2018 granted interim relief to them.

3] The learned counsel for the petitioners submitted that, the petitioner No.3 is regularly attending the proceedings before the District Consumer Disputes Redressal Forum. The learned counsel for the respondent No.1 submitted that, after taking into consideration the dotage of the petitioner Nos.1 and 2, the respondent would not insist upon the presence of the petitioner Nos.1 and 2, however, the petitioner No.3 may be directed to remain present before the said Forum for recording of her own plea and also to make and/or record plea on behalf of petitioner Nos.1 and 2. The learned counsel for the petitioners conceded to it.

4] In view of the above, the petitioner No.3 is hereby directed to remain present before the District Consumer Disputes Redressal Forum hereinafter on each and every date till the conclusion of the said Execution proceedings unless precluded by medical reasons. It is submitted that, the next date before the said District Consumer Disputes Redressal Forum is fixed on 8th October 2018. The petitioner No.3 is directed to personally remain present on 8th October 2018 before said Forum at about 10.30 a.m without any excuse and even on medical ground and co-operate the concerned Forum in speedy disposal of the Execution proceedings pending on its file.

5] The District Consumer Disputes Redressal Forum is at liberty to adopt appropriate proceedings as may be permissible under the law in case of non-cooperation from the petitioner No.3.

6] Writ Petition is partly allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

Anil
Chandrakant
Dond

Digitally
signed by Anil
Chandrakant
Dond
Date:
2018.10.06
14:47:55
+0530

(A.S.GADKARI, J.)