



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1871 of 2018 and  
C.M.P.(MD)No.8165 of 2018

1. Sri Aadhithyya Finance,  
Rep. through its Managing Partner,  
P.Kumaresan

2. P.Kumaresan

3. K.Naveenkumar

... Petitioners/Respondents/  
Opposite Party

Vs.

A.Suruliammal

... Respondent/Petitioner/  
Complainant

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the proceedings in E.A.No.39 of 2007 in C.C.No.81 of 2006 on the file of the District Consumer Dispute Redressal Forum, Theni.

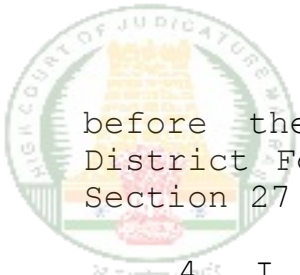
For Petitioners : Mr.K.P.S.Palanivel Rajan

### O R D E R

The Revision petitioners herein were opposite parties in C.C.No.81 of 2006 on the file of the District Consumer Disputes Redressal Forum, Theni. The Revision petitioners herein suffered an award. Since they did not comply with the award passed by the District Consumer Disputes Redressal Form, the complainant filed E.A.No.39 of 2007 under Section 27 of the Consumer Protection Act, 1986. Seeking to strike off the same, this Civil Revision petition has been filed by the parties/respondents in the E.A.

2. Though the complainant/respondent has been served and her name is also printed in the cause list, she has not chosen to enter appearance either in person or through counsel.

3. The learned counsel appearing for the Revision petitioners pointed out that as per Section 27(3) of the Consumer Protection Act, 1986, the offences under the Act will have to be tried summarily and that Section 27(A) of the Act provides for an appeal



before the State Commission against the orders passed by the District Forum. His core contention is that the proceedings under Section 27 of the Act will have to be tried as a summary trial case.

4. I find considerable force in the said submission. But merely because the petition filed by the respondent herein has been numbered as E.A., that need not come as a dissuading factor. The District Consumer Disputes Redressal Forum shall bear in mind the mandate set out in Section 27(3) of the Consumer Protection Act, 1986. In other words, E.A.No.39 of 2007 shall be tried in a summary manner. The learned counsel appearing for the Revision petitioners further submits that on account of non appearance, Non Bailable Warrant was issued against the petitioner.

5. If the Revision petitioners appear before the District Consumer Disputes Redressal Forum on the next hearing date, the Forum shall recall the warrant issued against the Revision petitioners herein.

6. With this relief and clarification, this Civil Revision petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

pmu

To

1. The District Consumer Dispute Redressal Forum,  
Theni.
2. The Record Keeper, V.R.Section, (2 copies)  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.P.S.Palanivel Rajan, Advocate in SR No.89063

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**C.M.P. (MD)No.8165 of 2018**

**NM/SV/SAR II/26.11.18/2P/5C.**