



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) .No.948 of 2019

WEB COPY

The Proprietor,
Murugan Water Purifier,
177/13, Allikulam Main Road,
Allikulam Village,
Tuticorin Taluk,
Tuticorin District.

... Petitioner

Vs.

K.P.Ravikumar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 20.12.2018 passed by the District Consumer Disputes Redressal Forum, Tuticorin in Memo dated 17.10.2018 in C.C.No.18 of 2013.

For Petitioner : Mr.P.Pethu Rajesh

For Respondent : No appearance

O R D E R

The Civil Revision Petition has been filed against the docket order passed by the President, the District Consumer Disputes Redressal Forum, Tuticorin, dated 20.12.2018.

2. The contention of the revision petitioner is that as per the order of the Circuit Bench of the Tamil Nadu State Consumer Disputes Redressal Commission, Madurai, dated 28.08.2018, the revision petitioner has appeared before the District Consumer Disputes Redressal Forum, Tuticorin, on 01.10.2018, with written version and proof affidavit. However, the Officials in the District Consumer Disputes Redressal Forum have refused to receive the written version and proof affidavit, since the sitting is held by the Presiding Officer at District Consumer Disputes Redressal Forum only on Thursday and Friday. Hence, he was not able to file the written version and proof affidavit, though the same was ready on that day. Subsequently, due to the ill-health of the revision petitioner, he was not able to file the written version and proof affidavit even on the next sitting ie., on 04.10.2018. Finally, narrating all these facts by way of Memo and presented the written version and proof affidavit before the District Consumer Disputes Redressal Forum, Tuticorin along with the medical certificates, on 17.10.2018. But, the President, the District Consumer Disputes Redressal Forum, Tuticorin has refused to accept the written version and proof affidavit filed by the revision petitioner in C.C.No.18 of 2013,

Redressal
and proof

3. Heard the learned counsel for the revision petitioner and perused the materials available on record.

4. Though notice served on the sole respondent and his name was printed in the cause list, he has not chosen to appear either in person or through counsel.

5. The Circuit Bench of the Tamil Nadu State Consumer Disputes Redressal Commission, Madurai, vide order dated 28.08.2018, directed the revision petitioner to file vakalat, written version, proof affidavit and documents if any before the District Forum, Turicorin, on 01.10.2018. However, there was no sitting on 01.10.2018. Hence, the revision petitioner was not able to file vakalat, written version, proof affidavit and documents before the District Consumer Disputes Redressal Forum, Tuticorin. Subsequently, he filed a Memo and presented the same before the District Forum, Tuticorin, on 17.10.2018, along with the medical certificates. However, the District Forum, Tuticorin has rejected the same on 17.10.2018, with an endorsement that the order of the Circuit Bench of the Tamil Nadu State Consumer Disputes Redressal Commission, Madurai was not complied with.

6. On perusal of the Medical Certificates, it is seen that the revision petitioner was suffering from fever from 01.10.2018 to 15.10.2018 and that being the case, the District Forum, Tuticorin has to consider the inability of the revision petitioner to file the relevant documents, as directed by the Circuit Bench of the Tamil Nadu State Consumer Disputes Redressal Commission, Madurai. But, without considering all these facts, the District Forum, Tuticorin returned all the papers. This Court is of the view that the District Forum, Tuticorin ought to have considered the medical certificates and the reasons stated by the revision petitioner for non-compliance of the order dated 28.08.2018. The reason stated by the revision petitioner for not filing the above documents appears to be genuine. Further, the revision petitioner has not filed any application to condone the delay in filing the above documents, as per the order of the Circuit Bench of the Tamil Nadu State Consumer Disputes Redressal Commission, Madurai and he has filed a Memo. So, this Court, in the interest of justice, to give an opportunity to the revision petitioner, directs the revision petitioner to file all these documents by filing appropriate application to condone the delay in filing the above documents. The District Consumer Disputes Redressal Forum,



Tuticorin and on receipt of the same, the District Consumer Disputes Redressal Forum, Tuticorin shall consider the application for condoning the delay and thereafter take the written version and proof affidavit and decide the matter on merits.

7. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Consumer Disputes Redressal Forum,
Tuticorin.

Copy to: The Section Officer,
ER Section,
Madurai Bench of Madras High court, Madurai
(to return the original impugned order to the petitioner)

+1 CC to Mr.P.PETHU RAJESH, Advocate (SR-93317[F] dated
21/10/2019)

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