

**HON'BLE THE CHIEF JUSTICE
THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.39707, 39859 & 39866 OF 2018

COMMON ORDER (ORAL): (Per Hon'ble Sri Justice A.Rajasheker Reddy)

These Writ Petitions are filed aggrieved by the orders dated 19.07.2018 and 20.07.2018 in F.A.I.A No.76/2018 in F.A (SR) No.295/2018, F.A I.A No.75/2018 in FA (SR) No.294/2018 and F.A I.A No.62/2018 in FA (SR) No.143/2018 respectively, wherein and whereby the State Consumer Disputes Redressal Commission, Telangana, dismissed the petitions filed under Section 5 of the Limitation Act in condoning the delay of 16 and 07 days in filing the appeal against orders dated 06.12.2017 and 08.12.2017 in CC No.112/2017, 100/2017 and 51/2013 respectively.

Heard learned counsel for the petitioners.

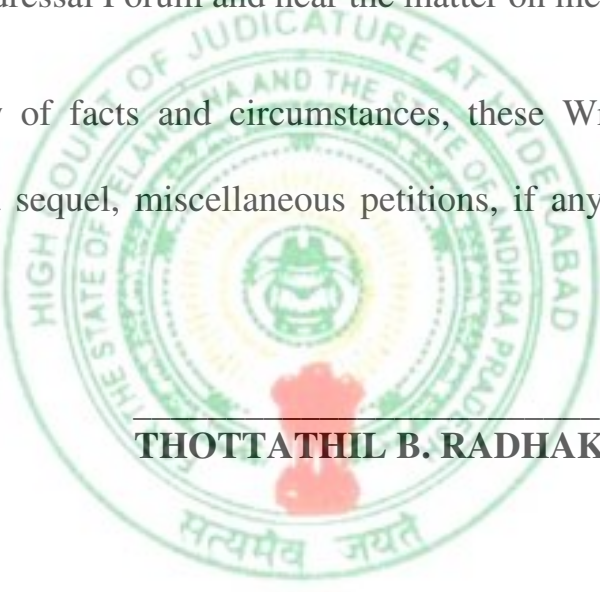
Though notice is served on the 1st respondent, none appeared for them in all writ petitions.

Learned counsel for petitioners submits that only 16 & 7 days delay occurred in filing the appeals against the orders of the District Consumer Forum and that the State Consumer Disputes Redressal Commission should have been condoned the delay, instead of dismissing the same for default. He submits that the amount which was paid by the 1st respondent was refunded before the District

Consumer Forum. In spite of the same, the District Consumer Forum directed to pay compensation of Rs.5,000/- each in addition to costs of the proceedings.

In this case, it is to be seen that the delay is only 16 & 07 days respectively in filing the appeal against the orders of the District Consumer Forum, before the State Consumer Redressal Forum. Since, it is stated that substantial rights of the parties are involved, the delay of 16 and 07 days ought to have been condoned by the State Consumer Redressal Forum and hear the matter on merits.

In view of facts and circumstances, these Writ Petitions are allowed. As a sequel, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

02nd January, 2019
kvs

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Date: 02nd January, 2019

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