

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 110 OF 2020

(Smt. Jasumati wd/o Jethalal Thaker vs. Satpal Singh Kasturilal Arora & 2 Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Rohit Joshi, Advocate for the petitioner.
Shri V.M. Gadkari, Advocate for respondent Nos. 1 &
2.

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CORAM : PUSHPA V. GANEDIWALA, J.
JANUARY 14, 2021.

Heard Shri Rohit Joshi, learned counsel
the petitioner and Shri Gadkari, learned counsel for
respondent Nos. 1 & 2.

2. In this petition, the petitioner has
challenged the order of issuance of summons passed
by the District Consumer Disputes Redressal Forum,
Nagpur, vide order dated 16.07.2016 under Section
27 of the Consumer Protection Act, 1986, arising out
of Complaint No. 170 of 2005.

3. It is stated that the petitioner - Smt.
Jasumati wd/o Jethalal Thaker, aged about 89 years
was the consenting party to the agreement of
development between the Builder M/s. Malti
Constructions through its proprietor Shri Pratap s/o

Premchand Agrawal and sons of the petitioner i.e. Dilip Jethalal Thaker and Pravin Jethalal Thaker (both dead). It is stated that since both the sons of the petitioner have died, the process for execution of the order of the District Consumer Disputes Redressal Forum was issued against the present petitioner. She being a lady of about 89 years, her interest in the said property was only to the extent of life interest, bequeathed by the original owner – her husband and she was entitled only to possess the property till her death. It is stated that now the property has been developed by M/s. Malti Constructions and as the builder failed to execute the sale deeds to the apartment purchasers as per the commitments, one of the apartment purchasers approached the District Consumer Disputes Redressal Forum, Nagpur, for directions to the builder to execute the sale deed and for compensation. It was partly allowed to the extent of compensation and other monetary reliefs.

4. The Appeal before the State Consumer Disputes Redressal Commission has been allowed and the respondents were directed to execute the sale deed. As the respondents have failed to execute the sale deed, the proceedings under Section 27 of the Consumer Protection Act have been

initiated and, therefore, summons came to be issued against the present petitioner.

5. Considering the limited interest of the petitioner in the said property and considering the fact that she is aged about 89 years and appears to have relinquished her limited interest in the property, the order of issuance of summons against her is quashed and set aside. Criminal Writ Petition stands disposed of accordingly.

JUDGE

*GS.