

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

CRIMINAL WRIT PETITION NO.365 OF 2020

(Ankush s/o Santosh Burrewar Vs. State of Maharashtra thr. the Commissioner of
Police, Nagpur and others)

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

Court's or Judge's orders.

Mr. B.N. Mohta, Advocate for Petitioner.
Mr. M.K. Pathan, APP for Respondents 1 & 2/State.
Mrs. S.K. Paunikar, Advocate for Respondents 3 to 5.

CORAM: ROHIT B. DEO, J.

DATE: 29th JANUARY, 2021.

The petitioner is a minor and the grievance in the petition is that in proceedings under Section 27 of the Consumer Protection Act, 1986 the forum has issued the petitioner notice.

2. The submission is that while the petitioner was a party to the original proceedings through his legal guardian and mother, nonetheless, in proceedings under Section 27 he could not have been arraigned as respondent.

3. The Registrar, Consumer Forum has filed affidavit dated 16.09.2020, paragraphs 4 and 5 of which read thus:

*4. The common summons was issued on
14.01.2020 against Opposite Party No 1 & 2
(Respondent No 6 & Petitioner in WP). It is*

matter of record that summons was correctly issued against Opposite party No 1, Smt. Dyandevi Santosh Burrewar, Respondent No 6 in WP, however, after specifying the name of Ankush Santosh Burrewar (Petitioner in WP) in summons, the name of the guardian, Smt. Dyandevi Santosh Burrewar was inadvertently skipped in the summons issued for Opposite Party No 2, Petitioner. The said omission was purely clerical mistake & unintentional.

5. It is respectfully submitted the said mistake has been corrected & fresh summons has been issued against Opposite Party No 1 (Respondent NO 6 in WP) Smt. Dyandevi Santosh Burrewar. This Commission will not proceed against opposite party No. 2 (Petitioner in WP) in the said Execution proceedings as he is minor but Execution proceedings will be continued against his guardian Smt. Dyandevi Santosh Burrewar, since she has been arrayed as opposite party No 1.

4. In view of the admission of the mistake and corrective measures taken, nothing survives in the petition, and the same is accordingly disposed of.

JUDGE