

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

Writ Petition No. 1547/2019

Mrs. Shilpi w/o Brijesh Agrawal and anr.

..VS..

Managing Director/CEO Prozon Palms

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Mardikar, Advocate for the petitioners
Ms. Mitisha Kotecha h/f. Shri Anilkumar Singh, Advocates for
the respondent

CORAM : AVINASH G. GHAROTE, J.

DATED : 23/12/2021

Heard Shri Mardikar, learned Counsel for the
petitioners.

2. The petition challenges the order dated 17.10.2018, by which the complaint filed by the petitioners before the State Consumer Disputes Redressal Commission, has been dismissed in default for absence of the complainants and their Counsel. Though, the impugned judgment records the consistent absence of the learned Counsel for the complainants/petitioners, however, considering that, the matters is to be decided on merit and since the question of maintainability has been dealt with by this Court in Writ Petition No. 5953/2014, decided on 11.01.2016, I deem it appropriate to grant an opportunity to the petitioners/complainants to canvass their grievance before the State Commission, considering

which, in spite of the objection by learned Counsel for the respondent, the writ petition is **allowed**.

3. The impugned judgment is hereby quashed and set aside at the costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to be paid by the petitioners to the respondent as a condition precedent.

4. The matter is remitted back to the State Commission to decide on merits.

JUDGE

SANDIP
MAHADEV
GATE

Digitally signed
by SANDIP
MAHADEV
GATE
Date:
2021.12.24
11:56:33
+0530