



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 10105 OF 2014

Jalna District Central Co-operative Bank Ltd.,
Santoshi Mata Road, Jalna
Through authorized Officer
Shri V.V. Jadhav

....PETITIONER

VERSUS

1. The Director Of Insurance,
Government Insurance Fund,
Directorate of Insurance
Maharashtra Housing Building,
264, 1st Floor MHADA Bandra (E)
Mumbai-400051.

2. The Assistant Director of Insurance
Maharashtra State Mumbai
Directorate of Insurance,
Maharashtra Housing Building,
264, 1st Floor MHADA Bandra (E)
Mumbai-400051.

.....RESPONDENTS

.....
Mr. B.N. Patil, Advocate for the Petitioner
Mrs. A.S. Mantri, AGP for State

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 24th JANUARY, 2025

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of parties.

2. By way of this writ petition petitioner is challenging

Bhagyawant Punde

the order dated 04.07.2014, passed by Presiding Member, Maharashtra State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad in Complaint Case No. 33/2013, thereby complaint filed by complainant was dismissed for want of prosecution.

3. This Court vide order dated 30.08.2024 had directed the petitioner to satisfy that the State Consumer Commission is a Court subordinate to this Court and, therefore, this Court has supervisory jurisdiction over the said Commission.

In response to the order, petitioner has placed on record various orders passed by this Court wherein interim orders passed by State Consumer Commission have been challenged before this Court and this Court has entertained the writ petitions.

4. Learned advocate for the petitioner has challenged the order dated 04.07.2014. Presiding Member while, passing the impugned order has observed that matter was adjourned from time to time. He has recorded dates on which complainant was absent i.e. 21.02.2014, 19.03.2014, 17.04.2014, 16.06.2014 and 04.07.2014.

5. Learned advocate for the petitioner submits that so far as the dates which have been recorded by Presiding Member are concern, the same are contrary to the record. He has annexed the order passed on 17.04.2014, wherein his presence was very much recorded and he has advanced arguments on the said date. Similarly, referring to later part of order dated 21.02.2014, he has pointed out his presence. He further submits that the Complaint Case No. 32/2013 pertains to Division Bench of Maharashtra State Consumer Disputes Redressal Commission and it is required to be heard and finally decided by Division Bench. Therefore, it was not within the power of Presiding Member while sitting singly to dismiss the proceeding by passing the impugned order.

6. Learned Advocate for the petitioner further submits that on 17.04.2014, the matter was posted to 16.06.2014. The representative of the bank and advocate were under impression that the matter would be for settlement of issues. Since, representative of bank was having some urgent work at Jalna, so also the advocate due to some urgent work could not attend the matter. According to him, observations of the Presiding Member are erroneous and cannot be sustained. He submits that huge

loss is likely to be caused to the petitioner if impugned order is not set aside.

7. Learned AGP for State has opposed the prayer made in the petition by relying on reply affidavit. She submits that considering the consistent absence of the complainant, Presiding Member was justified in passing the impugned order.

8. Considering the explanation given by learned advocate for the petitioner/original complainant and also the documents placed on record, in my opinion, it would be appropriate to follow the course adopted in the previous orders passed by this Court in Writ Petition No. 5421/2015 and connected matters (*P.H.I. Seeds Pvt. Ltd. Vs. Shivaji Gangadhar Kadam and another*), Writ Petition No. 3985/2012 (*Miss. Radhika Rajesh Mandhani Vs. Dr. Dilip Patwardhan & Another*), Writ Petition No. 2811/2015 (*The Branch Manager State Bank of India Vs. Dharmaraj Chindha Patil,*), Writ Petition No. 531/2014 (*Mr. Kapurchand Kotecha Urban Co-op. Credit Society Ltd. and another vs. Mangilal Bhikachand Jain*) and, ***Arun Sudamrao Modale vs. Sangameshwar Tractor Authorized Dealer Ahmedpur and another***, 2014(4) Mh.L.J. 757.

9. In that view of the matter, writ petition is allowed.

10. Order dated 04.07.2014 passed by Presiding Member, Maharashtra State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad in Complaint Case No. 33/2013 is quashed and set aside.

11. Rule is made absolute in aforesaid terms. Writ Petition stands disposed of as such.

(MANJUSHA DESHPANDE, J.)