



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7148 OF 2025**

SATISH MOVALIYA, DIRECTOR CAPTAIN TRACTOR PVT. LTD
AND ANOTHER
VERSUS
SAU SUBHADRA BAI SHIVAJIRAO GAIKWAD AND ORS.

...
Mr. P. D. Digaskar h/f Mr. M. C. Ghode, Advocate for Petitioners.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th JUNE, 2025.**

ORDER:-

1. The present Writ Petition takes exception to judgment and order dated 13.02.2025 passed by National Consumer Disputes Redressal Commission, New Delhi (for short 'National Commission') in Revision Petition No.751/2017, thereby upholding judgment and order dated 15.12.2016 passed by Maharashtra State Consumer Disputes Redressal Commission, Circuit Bench at Aurangabad (for short 'State Commission') in First Appeal No.331/2015 upholding judgment and order dated 15.04.2015 passed District Consumer Disputes Redressal Forum, Osmanabad (for short 'District Forum') in Consumer Complaint No.9/2014.

2. The respondent no.1 is agriculturist. On or about 26.03.2012 she purchased Tractor manufactured by petitioners i.e. Captain Tractor Private Limited. Unfortunately, within a month of purchase, its chassis was broken. The complainant got it repaired at additional cost of Rs.12,200/- from opponent no.1. The

registration of Tractor was also delayed by opponents. It is further contention of respondent no.1 that despite repairs, Tractor did not function properly. She made correspondence with petitioners, who did not acknowledge issues raised in letter. Finally, respondent no.1 filed Consumer Complaint No.9/2014 before District Forum at Osmanabad claiming replacement of Tractor or refund of amount.

3. The complaint was contested by petitioners contending that complainant has not produced on record evidence of manufacturing defect in Tractor which was found fit in pre-delivery inspections.

4. The District Forum after considering rival contentions, recorded finding that complainant proved manufacturing defect on the basis of report of Assistant Workshop Superintendent of Maharashtra State Transport Depot of Omerga, District Osmanabad, who certified that hydraulic chassis behind driver seat was broken beyond repair and workmanship of Tractor was poor. Eventually, directed petitioners to exchange Tractor within period of 30 days and in case of failure, to pay compensation of Rs.200/- per day to complainant until exchange of Tractor.

5. The aforesaid decision of District Forum was assailed in Appeal before State Commission as well as National Commission in Revision. All three Courts concurred as to deficiency in service and ordered exchange of Tractor with default clauses as to penalty.

6. Mr. Digraskar, learned Advocate appearing for petitioners would submit that replacement of Tractor could have been ordered only when assertion as to manufacturing defects is proved by leading scientific evidence. In present case, respondent no.1/complainant failed to bring on record any such evidence, but District Forum directed exchange of Tractor. The State Commission as well as National Commission wrongly concurred with decision of District Forum. According to him, Inspection Report dated 13.09.2014 relied by respondent no.1/complainant does not highlight manufacturing defects, but only states that hydraulic chassis behind driver seat was broken beyond repair and Tractor was not suitable for agriculture purpose. According to Mr. Digraskar, report from Maharashtra State Transport Corporation cannot be treated as expert opinion in the matter of manufacturing of Tractor, as those authorities are experts in maintaining State Transport buses and not agriculture equipments. As such, no reliance could have been placed on such report.

7. Having considered submissions advanced, it can be observed that respondent no.1 had purchased Tractor after obtaining huge loan from Bank and within period of one month it suffered major damage of chassis. It is not contention of respondent no.1 that such damage was accidental. Similarly, report of Assistant Workshop Superintendent of Maharashtra State Transport Depot

of Omerga, District Osmanabad is not specifically challenged, which records that hydraulic chassis behind driver seat is broken beyond repairs, so also workmanship of Tractor is poor. It is not case of petitioners that they brought any evidence on record to counter expert's opinion relied by respondent no.1/complainant.

8. All three Courts on appreciation of evidence, accepted case of complainant that she was supplied with Tractor having manufacturing defects, which are beyond repairs. Although it is contended on behalf of petitioners that report from Assistant Workshop Superintendent of Maharashtra State Transport Depot of Omerga, District Osmanabad could not have been accepted as expert opinion, it is difficult to accept such contention. The farmer residing in rural area cannot have better evidence than Inspection Report from independent agency under control of State Government like MSRTC. Once initial burden was discharged by respondent no.1, it was for petitioners to rebut contentions. However, no such efforts were made either before District Forum or State Commission.

9. In that view of the matter, this Court do not find any reason to cause interference in exercise of jurisdiction under Article 226 or 227 of Constitution of India. Such powers are intended to be used sparingly and only in appropriate cases for the purpose of keeping subordinate Courts and Tribunals within bounds of their authority

and not for correcting mere errors. There is nothing to show that impugned order caused grave injustice or failure of justice or authorities passing order exceeded jurisdiction vested with them. On other hand, this Court cannot be oblivious of fact that respondent no.1 is farmer, who is litigating for getting justice since last 11 years from District Forum, State Commission and National Commission. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025