



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

WRIT PETITION NO.2946 OF 2024

VMB Homes and Another Vs. Shri Pratap Madhukarrao Charde

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kshitij Jain h/f. Mr. S.A. Pathak, Advocate for the Petitioners.
Mr. S.Y. Pawate h/f. Mr. S.R. Babhulkar, Advocate for the Respondent.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 07th OCTOBER, 2025

1. The petitioner is challenging the order dated 27.02.2024 passed by the Learned State Consumer Commission, Nagpur, in CC No.18/474, by which the appeal was dismissed-in-default. The application was filed for restoring the said appeal, but the same was rejected by the Learned Commission.

2. I have heard learned counsel for the petitioners as well as learned counsel for the respondent.

3. Mr. S.Y. Pawate holding for Mr. S.R. Babhulkar, learned counsel for the respondent No.1 has vehemently opposed the prayers of the petitioner and submitted that the petitioner has not taken care to argue the matter. He further submitted that when the matter was listed, the petitioner was not present and therefore, it is evident that he does not want to prosecute the matter and rightly the Consumer Forum dismissed the appeal. In view thereof, he prayed not to entertain the present petition.

4. I have gone through the documents placed on record by the petitioner. In view of the fact that the appeal was dismissed-in-default, it is necessary to grant one more opportunity to the petitioner to argue the case on merits, therefore, the writ petition is **allowed**. The order passed by the Learned State Consumer Commission, Nagpur in CC No.18/474 dated 27.02.2024 is hereby quashed and set-aside.

5. The matter is restored to its original position subject to cost of Rs.15,000/- (Rupees Fifteen Thousand Only).

6. The petitioner is directed to transfer the cost amounting to Rs.15,000/- (Rupees Fifteen Thousand Only) directly to the details mentioned hereinbelow :

Account Name	:	Visawa Animals Foundation, Wardha-442001
Bank Name	:	Canara Bank, Opposite Sai Mandir, Wardha
Account No.	:	2632101008038
IFSC Code	:	CNRB0002632
MICR Code	:	442015001

7. The cost shall be deposited within a period of one week from today.

(SIDDHESHWAR S. THOMBRE J.)

Privel