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W.P.No.39475 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

**THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

Writ Petition No.39475 of 2024

and

Writ Miscellaneous Petition Nos.42730 & 42731 of 2024

1. D. Prabhu

2. Mrs.P.Jayanthi

... Petitioners

Vs.

1. The Registrar,

National Consumer Dispute Redressal Commission,  
New Delhi.

2. Mr.J.Govindaraj,

Power Agent of the Legal heirs of  
Mr.Jagannathan, the deceased complainant

3. Smt.Chandra

4. Smt.Rajeshwari

5. J.Seetharaman

6. J.Rajendran

... Respondents

Writ Petition filed under Article 226 of the Constitution of  
India for issuance of Writ of Certiorarified Mamdamus to call for the



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records relating to the impugned order dated 11.11.2024 passed by the 1<sup>st</sup> respondent dismissing the application filed by the petitioner in I.A.No.11067 of 2024 in F.A.No.572 of 2024 and quash the same as illegal and consequently remand it back to the State Consumer Dispute Redressal Commission at Chennai with a direction to receive the written version along with documents in support of petitioner's contention and decide the complaint on merits.

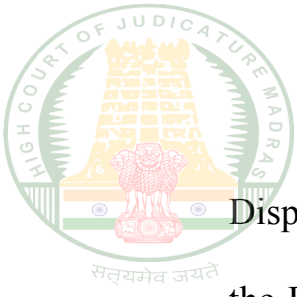
For Petitioners : Mr.M.Sudhan  
For R1 : Tribunal  
For R2 & R3 : Deceased – steps due  
For R4 & R5 : Not ready in notice  
For R6 : No appearance

### **ORDER**

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted challenging the order passed by the National Consumer Dispute Redressal Commission, New Delhi in F.A.No.572 of 2024.

2. The petitioner preferred an appeal before the National Consumer Dispute Redressal Commission challenging the order of the State Consumer



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Dispute Redressel Commission at Chennai dated 25.08.2022. Along with the First Appeal, a petition to condone the delay of 485 days in filing was instituted. The National Consumer Dispute Redressel Commission considered the reasons stated for the delay and found the same has not justifiable consequently, the petition was dismissed.

3. The learned counsel for the petitioner would submit that the National Consumer Dispute Redressel Commission has not considered the reasons stated by the petitioner in the miscellaneous petition.

4. The reasons stated by the petitioner before the National Consumer Dispute Redressel Commission that the delay in filing the revision petition occurred on account of the fact that the counsel failed to provide details. The National Consumer Dispute Redressel Commission made a finding that the law of limitation requires delay, for each day to be explained, after expiry of the period of limitation. The explanations offered must be rational, reasonable and realistic and to be acceptable. Since the reasons are not justifiable, the petition was rejected.



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5. This Court is of the considered opinion that uncondonable delay cannot be condoned in a routine manner. Meager delay in filing an appeal may be condoned by the Court in exercise of its discretion and by taking a lenient view. However, the law of limitation being substantive, the Courts are not expected to exercise its discretion liberally, to condone enormous delay in filing the appeals, thereby, defeating the very objectives of the time line prescribed for instituting appeals.

6. The National Consumer Dispute Redressal Commission relied on the Judgment of the Hon'ble Supreme Court in the case of **Anshul Aggarwal Vs. new Okhla Industrial Development Authority (2011) 14 SCC 578**, wherein, the Apex Court made following observation:

*“It is also apposite to observe that while deciding an application filed in such cases for condonation of delay, the Court has to keep in mind that the special period of limitation has been prescribed under the Consumer Protection Act, 1986 for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes will get defeated if this court was to entertain highly belated petitions filed against the orders of the consumer foras.”*



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7. Since the petitioner could not able to provide any acceptable reason or further grounds, this Court is not inclined to interfere with the order impugned passed by the National Consumer Dispute Redressel Commission. Accordingly, writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are also stands dismissed.

(S.M.S., J.) (K.R.S., J.)  
17.02.2025  
(1/2)

ssi  
Index: Yes  
Speaking Order: Yes/No  
Neutral Citation Case : Yes/No

To

1. The Registrar,  
National Consumer Dispute Redressel Commission,  
New Delhi.



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**AND**

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ssi

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