



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

120

CWP-32220-2024.

Date of Decision: 29.01.2025.

Volkswagen Group Sales India Private Ltd.

....Petitioner.

VERSUS

Tarun Kumar and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Gourav Bhardwaj, Advocate (Through Video Conferencing),
Mr. Pankaj Bains, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged order dated 05.01.2024 (Annexure P-1) passed by the National Consumer Disputes Redressal Commission, New Delhi (for short, 'National Commission'), whereby the appeal of the petitioner had been dismissed being barred by limitation and the order dated 06.07.2022 (Annexure P-7) passed by State Consumer Disputes Redressal Commission, Panchkula, (for short, 'State Commission'), whereby the defence of the petitioner was struck off.

2. Learned counsel for the petitioner submits that the petitioner had not been informed by the concerned counsel about the date of hearing although necessary instructions had been given to the counsel who was entrusted the case on behalf of the petitioner. He submits that the appeal preferred by the petitioner against the order of the State Commission striking off the defence of the petitioner, ought to have been allowed as the petitioner had shown sufficient cause for condonation of delay in preferring the appeal.

3. Heard.

4. The respondent No.1 is stated to have filed a complaint against the petitioner before the State Commission. The State Commission had struck off the defence of the petitioner/opposite party No.2 as nobody had put in appearance on its behalf on the last six dates. The petitioner thereafter had challenged the order by preferring an appeal before the National Commission. There was a delay of 495 days in preferring the appeal before the National Commission. The explanation which has been set out in the application for condonation of delay was that the petitioner had engaged a counsel to represent before the State Commission, however, the petitioner could not get in touch with the said counsel and the counsel did not inform the petitioner regarding the order of the State Commission which prevented the petitioner from filing appeal within the period of limitation. The petitioner later engaged another counsel who had informed the petitioner about the proceedings and the order passed against the petitioner.

5. In response to the query of this Court, as to whether the petitioner had preferred any complaint against the lawyer, who is stated to have been negligent in pursuing the matter, learned counsel submits that no such complaint has been made till date.

6. We are not satisfied with the explanation set out in the application for condonation of delay, for the reason that it is incumbent on the litigant to be vigilant and not rely entirely on the counsel. The petitioner did not show due care and diligence in pursuing the matter before the State Commission as well as the National Commission. Reference in this regard can be made to the order of the Supreme Court in the case of **Nitin Mahadeo**

Jawale & Ors. vs. Bhaskar Mahadeo Mutke, (2024 INSC 902). Relevant extract of the said judgement is reproduced hereunder:-

“6. We have noticed over a period of time the growing tendency on the part of the litigants in throwing the entire blame on the head of the advocate. Not only this, we have come across cases where the concerned advocate has filed an affidavit in favour of his client(s) saying that he was unable to attend the proceedings due to some personal reasons difficulties thereby facilitating the litigant to get the delay condoned.

7. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance.

8. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

7. Consequently, we do not find any merit in this petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

29.01.2025
jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No