



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 6256 of 2025

Smt. Usha w/o Chandrabhan Samrutwar and anr.

vs.

The State Consumer Dispute Redressal, Circuit Bench, Nagpur and others.

Mr.K. N. Shukul and R. N. Tiwari, Advocates a/b Mr. P. N. Hardas, Advocate for petitioners.
Mr. D. P. Thakre, Additional G. P. for respondent/State.
Mr. C.S.Dhore, Advocate a/w Mr. Yash Bangale, Advocate for respondent no.2.
Mr. A. P. Bhuibhar, Advocate for respondent no.3.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 29th JANUARY, 2026.

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Heard learned counsel for the parties.

2. The challenge raised in the present petition is to the judgment and order dated 09.08.2018, in Complaint Case No. CC/14/1 passed by the State Consumer Disputes Redressal Commission, Circuit Bench Nagpur, and confirmed by the National Consumer Disputes Redressal Commission, New Delhi, by its judgment and order dated 03.02.2020, in First Appeal No. 2030 of 2018.

3. During the course of hearing, it is fairly stated by Shri Shukul, the learned counsel for the petitioners, that the arguments namely; the directions issued by the State Commission are contrary to the provisions of the Code of Civil Procedure, 1908, as the same are ambiguous and there is no clear decree, were never raised before the National Consumer Disputes Redressal Commission, New Delhi.

4. Since the arguments which advanced before this Court were never raised before the National Consumer Disputes Redressal Commission, New Delhi, the order and judgment passed by the National Consumer Disputes Redressal Commission cannot be faulted with for not considering such arguments.

5. In that view of the matter, the learned counsel for the petitioners expresses his clients' intention to approach before the National Consumer Disputes Redressal Commission, New Delhi, by filing review application/petition raising such grounds which were earlier not raised and are available to the petitioners to raise. He therefore seeks permission to withdraw the present writ petition with the aforesaid liberty.

6. Permission granted.

7. Accordingly the writ petition is disposed of as withdrawn with liberty to the petitioners to approach the National Consumer Disputes Redressal Commission, New Delhi, by filing review application/petition.

8. At this stage, the learned counsel for the petitioners seeks extension to the stay granted earlier by this Court vide order dated 13.10.2025, for a period of three weeks to enable the petitioners to approach before the National Consumer Disputes Redressal Commission, New Delhi.

9. The learned counsel appearing for the respondents strongly opposed such request.

10. However, considering the reasons mentioned in the order granting stay, we are of the opinion that no prejudice will be caused to the respondents, if the stay granted earlier is extended for a period of three weeks. Needless to clarify that after expiry of the period of three weeks, such stay shall stand automatically vacated.

11. The amount deposited by the petitioners in this Court is permitted to withdraw after the expiry of the period of three weeks.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.