

A.F.R

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION,  
UTTAR PRADESH, LUCKNOW**

**APPEAL NO. 2326 OF 2013**

(Against the judgment/order dated 11-09-2013 in Complaint  
Case No.73/2006 of the District Consumer Forum, Lakhimpur Kheri)

Smt. Vedwati Gupta  
W/o Sri Dinesh Chandra Gupta  
R/o Mohalla-Purvi Dikshitana  
Kasba Gola, Pargana Hyderabad  
District Lakhimpur Kheri(U.P.)

...Appellant

Vs.

01. District Gramoudyog Adhikari  
Office Zila Udyog Kendra  
Lakhimpur Kheri

02. Branch Manager  
Lucknow Regional Gramin Bank  
Gola Gokaran Nath  
District Kheri

...Respondents

**BEFORE:**

**HON'BLE MR. JUSTICE VIRENDRA SINGH, PRESIDENT**

**HON'BLE MR. SANJAI KUMAR, MEMBER**

For the Appellant : Sri Navin Kumar Tiwari, Advocate.

For the Respondent : --

Dated : 24-10-2013.

**JUDGMENT**

**MR. JUSTICE VIRENDRA SINGH, PRESIDENT (ORAL)**

This is an appeal under Section-15 of the Consumer Protection Act, 1986 against the judgment and order dated 11-09-2013 passed by the District Consumer Forum, Lakhimpur Kheri in Complaint Case No. 73/2006 Smt. Vedwati Gupta V/s District Gramoudyog Adhikari and another.

A perusal of the impugned order shows that the District Consumer



:2:

Forum committed error thereby dismissing the complaint in default of the complainant. A complaint which was filed in the year 2006, in which the proceedings of the complaint have been taken up to the stage of written arguments of the parties, is not advisable to be dismissed in default of the plaintiff merely for want of written arguments of the complainant. The District Consumer Forum came to this conclusion that since the complainant did not file his written arguments, therefore, the complainant does not seem interested to get the complaint decided on merit. This much opinion of the District Consumer Forum is very much erroneous in judicial side and the judicial approach of the District Consumer Forum, wherein the complainant filed his complaint, the opposite party might have filed the written statement and both parties might have filed their evidence because the complaint case reached upto the stage of written arguments of both the parties, therefore, in such circumstances it cannot be said that the complainant is not interested to get his complaint decided on merit. What was the merit in the complaint case or in the case of opposite party, it should have been decided on the record available before the District Consumer Forum instead of dismissing the complaint in default. This much approach to dispose a case with no application of mind by the District Consumer Forum is not appreciable and the District Consumer Forum should not adopt such type of easy approach for getting a case decided. In these circumstances, we are of this view that the impugned order is liable to be set aside at the time of admission of this appeal.


ORDER

The aforesaid appeal is hereby allowed. The impugned order dated



:3:

11-09-2013 is hereby set aside. The Complaint Case No. 73/2006 is hereby remitted to the District Consumer Forum, Lakhimpur Kheri to get it restored on its original number. One more opportunity should be given to both the parties to file the written arguments and if any written statement is filed, the District Consumer Forum shall consider it in deciding the complaint case and if no such written arguments are filed by any of the parties, the District Consumer Forum shall be at liberty to decide the case on merits having recourse to the pleading of the parties as well as evidence on record.



24-10-13

**(JUSTICE VIRENDRA SINGH)**  
**PRESIDENT**



**(SANJAI KUMAR)**  
**MEMBER**

pnt