

# Appeal against dismissal of consumer complaint for non- prosecution: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION NEW DELHI

M/S. MAJESTIC GRAPHIC AND MACHINERY INDIA PVT.LTD.

...Appellant

UNITED INDIA INSURANCE COMPANY LTD.

...Respondent

Case No: FIRST APPEAL NO. 357 OF 2022

Date of Judgement: 01 January 2024

Judges:

SUBHASH CHANDRA – PRESIDING MEMBER

DR. SADHNA SHANKER – MEMBER

For Appellant: MR. JAVED AHMED, ADVOCATE

For Respondent: MR. NAVEEN KUMAR, ADVOCATE

## Facts:

*Appellant M/s Majestic Graphic and Machinery India Pvt. Ltd. had filed a consumer complaint (No. 484/2013) against Respondent United India Insurance Company Ltd before the State Consumer Disputes Redressal Commission, Delhi. The State Commission dismissed the complaint on 9th March 2022 due to non-prosecution as the Appellant was not represented on that date and had also not filed written arguments. Aggrieved by the dismissal, the Appellant has filed the present First Appeal (No. 357 of 2022) before the National Consumer Disputes Redressal Commission.*

**Arguments by Parties:**

**Appellant's Arguments:**

*The appeal should be allowed and the impugned order of dismissal dated 9th March 2022 should be set aside. The consumer complaint should be restored before the State Commission.*

**Respondent's Arguments:**

*The Respondent did not advance any arguments and agreed with the Appellant's request to set aside the State Commission's order.*

**Court's Opinion and Order:**

*The appeal is allowed. The impugned order dated 9th March 2022 passed by the State Commission dismissing the consumer complaint for non-prosecution is set aside. The consumer complaint is restored to its original number before the State Commission. The parties are directed to appear before the State Commission on 9th February 2024. The State Commission is directed to afford opportunity of hearing to both parties and decide the consumer complaint on merits expeditiously within 3 months.*

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**Court**

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**Full Text of Judgment:**

The present Appeal has been filed by the Appellant against the order dated 09.03.2022 of the State Consumer Disputes Redressal Commission, Delhi (for short "the State Commission") dismissing their Complaint No.13/484 for non-prosecution as they were neither represented on that day nor had filed their written arguments.

At the request of learned Counsel for both the parties, the Appeal is allowed and the impugned order dated 09.03.2022 is set aside.

Complaint No.13/484 is restored to its original number before the State Commission.

Parties are directed to appear before the State Commission on 09.02.2024.

The State Commission is directed to afford both the parties a due

opportunity of hearing and decide the matter on merits expeditiously, preferably within a period of three months.

The Appeal stands disposed of in above terms.