

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 2017 OF 2019**

(Against the Order dated 06/06/2019 in Appeal No. 1519/2015 of the State Commission Uttar Pradesh)

1. M/S. KIRTI PHARMACEUTICALS

THROUGH PROPRIETOR SHRI RAJESH RASTOGI, 7,  
SAVITRI MARKET FAIZABAD, 14, NARAYAN DAS  
NAGAR, WAZIRGANJ,

.....Petitioner(s)

Versus

1. ORIENTAL INSURANCE CO. LTD.

THROUGH DIVISIONAL MANAGER, 2/1/55, CIVIL LINES .....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, PRESIDING  
MEMBER**

FOR THE PETITIONER : NEMO

FOR THE RESPONDENT : NOT SERVED

**Dated : 02 November 2023**

**ORDER**

1. Repeatedly called out. None appears for the petitioner.
2. The petition is pending since 2019.

Perusal of the record indicates that petitioner has not filed respondent's set and, therefore, notice could not be issued. None appeared for petitioner on that date. Order dated 17.03.2022 may be quoted in this regard hereinbelow:

For the Petitioner(s) NEMO

For the Respondent(s) NEMO

**Dated : 17.03.2022**

**ORDER**

As per Office Report, notice could not be issued to the Respondent, as the Petitioner has not filed the Respondent's set. Let it be done within two weeks. Whereafter, the Office shall issue notice, returnable on 18.07.2022.

List on 18.07.2022.

3. Matter was next taken up on 18.07.2022. However, the situation remained the same as none appears for petitioner and respondent's set was also not fled. Order dated 18.07.2022 may be quoted in this regard hereinbelow:

For the Petitioner	NEMO
For the Respondent	Notice not issued

**Dated : 18.07.2022**

**ORDER**

As per Office report, notice could not be issued as the Petitioner has not filed Respondent's Set. Let it be filed, within two weeks. Thereafter, Registry shall issue notice to the Respondent, returnable on 08.12.2022.

List on 08.12.2022.

4. Matter was next taken up on 08.12.2022. Again none appeared for the petitioner. Order dated 08.12.2022 may be quoted in this regard hereinbelow:

For the Petitioner	NEMO
For the Respondent	Notice not issued

**Dated : 08.12.2022**

**ORDER**

As per Office report, notice could not be issued as the Petitioner has not filed Respondent's Set. Let it be filed, within three weeks. Thereafter, the Registry shall issue notice to the Respondent, returnable on 27.03.2023.

5. Thereafter on 27.03.2023 matter was again taken up. Again none appeared for the petitioner. Order dated 27.03.2023 may be quoted in this regard hereinbelow:

For the Petitioner	NEMO
For the Respondent	Notice not issued

**Dated : 27.03. 2023**

**ORDER**

As per Office report, notice could not be issued as the Petitioner has not filed Respondent’s Set. Let it be filed, within three weeks. Thereafter, the Registry shall issue notice to the Respondent, returnable on 14.08.2023.

6. Today again when the matter has been taken up none appears on behalf of the petitioner.

Neither learned counsel nor proxy counsel nor anybody else appeared on behalf of the petitioner. The office report indicates that respondent’s set has still not been filed. It appears that the matter is not being pursued in right earnest. It appears to be a case of non-prosecution.

The petition is dismissed in non-prosecution.

7. However, in the interest of justice it may be observed that if the petitioner is interested in pursuing the matter in right earnest with due diligence and feels aggrieved by this Order it may move appropriate application for recall of Order and restoration of petition in accordance with law while filing the respondent’s set along with it.

8. The Registry is requested to send a copy each of this Order to all parties in the petition and to the learned counsel for the petitioner. The stenographer is requested to upload this Order on the website of this Commission immediately.

.....J  
**KARUNA NAND BAJPAYEE**  
**PRESIDING MEMBER**