Date of filing :03.09.2025
Date of order :10.09.2026

MAHARASHTRA STATE CONSUMER DISPUTES REDRESSAL COMMISSION,MUMBAI, BENCH AT AURANGABAD.

REVISION PETITION NO. : 29 OF 2025
IN COMPLAINT CASE NO.: 89 OF 2024
DISTRICT CONSUMER FORUM : HINGOLI

Nandkishor Motilal Agrawal, …Revision Petitioners
Age:70 yrs, Occu. Retired (Adv.P.N.Bhansali)
H/a :C/o Shri Emporium,
Near Gramin Police Station,
Hingoli. 431513

VERSUS

1. Hingoli Urban Nidhi Ltd, …Respondents
   Through it's, (Ex-parte)
   Manager/ Authorized Representative,
   H/o: New Mondha, Hingoli,
   431513
2. Jayesh Uttam Khajule (Director),
3. Santosh Narayan Dudhekar (Director),
4. Rohini Jayesh Kharjule (Director)
   All from 2 to 4,
   C/o Hingoli Urban Nidhi Ltd, Hingoli,
   New Mondha, Hingoli,
   431513.

CORAM : Milind.S.Sonawane, Hon'ble Presiding Member.
Nagesh.C.Kumbre, Hon'ble Member

J U D G M E N T
(Delivered on 10.09.2026)

Per Milind S.Sonawane, Hon'ble Presiding Member.

This is the revision petition filed under S.47(1)(b) of the Consumer Protection Act, 2019 (the 'C.P. Act' for short).

2. The facts of this revision petition are that, the revision petitioner has filed a Consumer Complaint before the District Commission, Hingoli, praying that, the fixed deposits kept by him with respondent may kindly be returned with maturity sums. After the admission of his complaint notices were sent to the respondents on their official address, but the envelope containing the notices and copy of the complaint and annexure returned to the District Commission with postal remark that, the 'office is closed'. Thereupon, the revision petitioner moved an application praying the District Commission that, the public notices may kindly be issued to the respondents, which has been rejected on the ground that, the personal address of respondent no. 2 to 4 is not given by him and since the office of respondent no.1 is claimed by himself to be closed, the public notice can not permitted. It is against this order, the revision petitioner has come before us in this petition.

3. We heard Adv. Bhansali for the revision petitioner. Also perused the impugned order and record. The respondents were sent the notices of this revision petition to be served on their official address i.e. address of the 'credit society', but returned with the postal remark that ' no such person in the address'. As such, this commission permitted public notice vide Order 5 Rule 20 of the Code of Civil Procedure,1908 ('CPC' for short). Even after the due service of public notice they did not appear. As such, the matter proceeded ex-parte against them.

4. The question before us in this petition is that, whether a public notice can be issued by the District Commission on the opponents, when the notice can not be effected by ordinary way. The provisions of S.38(9)(a) of the C.P.Act lays down that, for the purpose of the hearing under this section, the District Commission shall have the same powers as are vested in a Civil Court under the CPC, pertaining to the summoning and enforcing the attendance of any defendant. The provisions of Order 29 Rule 2 of the CPC provides that, when there is suit against the Corporation, the summons may be served by leaving it or sending it by post addressed to the Corporation at the registered office, or if there is no registered office, then at the place where the Corporation carries on business. In the present matter the District Commission firstly issued notice on such given registered office address, but the service is not effected. Thereafter, when the revision petitioner moved an application for public notice stating that, he is not having the knowledge of the addresses of directors who are respondent no.2 to 4 the public notice may kindly be permitted. However, the District Commission rejected that prayer on the ground that, the registered office of respondent no.1 is stated by the complainant himself to be closed, public notice cannot be given. According to us, the decision of the District Commission referred to above is contrary to law. The provisions of Order 5 Rule 20(1-A) of CPC provides that, where the court is satisfied that the summons/notice cannot be served in an ordinary way, public notice by way of an advertisement in a daily newspaper circulating in the locality can be allowed. Thus, the impugned

order is highly contrary to the law and cannot be sustained. It will have to be quashed and set aside along with direction that the revision petitioner shall be allowed to serve the respondents by way of public notice in terms of above observations. Hence, we pass the following order.

ORDER

1. The revision petition is allowed.
2. The impugned order is hereby quashed and set aside.
3. The District Commission is directed to allow the application of the revision petitioner of issuance of public notice to the respondents by way of an advertisement in a daily newspaper having the circulation in that local area.
4. The copy of this judgment shall be given to both sides free of cost.

Nagesh C.Kumbre
Member

Milind S.Sonawane
Presiding Member

MBM