

**(1997) 02 NCDRC CK 0019**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

CHANDIGARH HOUSING BOARD

APPELLANT

Vs

JASWANT SINGH JABBAL

RESPONDENT

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**Date of Decision:** Feb. 20, 1997

**Citation:** 1997 1 CPC 369 : 1997 2 CPJ 206

**Hon'ble Judges:** J.B.Garg , Sada Nand , P.Ojha J.

**Final Decision:** Revision succeeds

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**Judgement**

1. THE evidence of Chandigarh Housing Board was closed by the District Forum, Chandigarh, on 20.5.1996 and thereafter the respondent-Board filed an application for seeking permission to adduce evidence but the said application was allowed subject to payment of Rs. 5,000/- (Rupees five thousand) as costs on 19.11.96. Since the costs were not paid the evidence was closed on 26.11.96 Aggrieved against it, the present revision has been preferred.

2. THE main plea of the Chandigarh Housing Board is that it was never informed by its Counsel that an affidavit was to be filed by it. Para No. 14 of the revision petition is reproduced as under:

"14. That the non-placing of the affidavit by the Chandigarh Housing Board was due to the reason that the Advocate who was conducting the case on behalf of Chandigarh Housing Board has not communicated and moreover the Secretary of the Chandigarh Housing Board was transferred. THERE was no mala fide mention on the part of the Chandigarh Housing Board for not filing its affidavit in support of its contention. THE petitioner-Chandigarh Housing Board therefore seeks one and only

one last opportunity to produce that affidavit in the interest of justice, equity and good conscience from the Hon"ble Bench of the State Commission."

It appears that it was not a case of "non-allotment" but a case of delayed allotment of a dwelling unit to Mr. Jaswant Singh Jabbal, the complainant. The complaint is quite old, yet in the interest of justice, Chandigarh Housing Board should be given one opportunity for completion of its evidence by placing affidavit(s)/documents because a party may not suffer on account of an omission alleged on the part of its Counsel. The conclusion is that the revision succeeds. The impugned order dated 26.11.1996 is set-aside. Costs shall follow the event. The parties shall appear before the District Forum, Chandigarh on 10th March, 97.

Announced. The order be communicated to the parties free of charges. Revision succeeds.