



HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1331 of 2025

Tarun Kumar Yadav S/o Late C.L. Yadav Aged About 38 Years Occupation Bhawan Nirman Contractor, R/o Mig-1, 978, M P Housing Board, Bhilai, Tehsil And District - Durg Chhattisgarh.

... Petitioner

versus

1 - Lalaram Chandravanshi S/o Late Dhanaram Chandravanshi Aged About 61 Years Occupation Retired, R/o Qtr. No. 4/c, Street Avenue-E, Sector-6, Bhilai, Tehsil And District - Durg Chhattisgarh.

2 - District Consumer Dispute Redressal Commission Durg Chhattisgarh.

3 - CG State Consumer Dispute Redressal Commission Raipur Chhattisgarh.

... Respondents

Order Sheet

19/12/2025	Mr. Uttam Pandey and Mr. Vikas Bajpai, learned counsel for the petitioner. Mr. Topilal Bareth, learned Panel Lawyer for the State. Heard on I. A. No. 01 of 2025, which is an application for stay of the execution proceeding No. EA/2022/96

pending before the Consumer forum, Durg.

Learned counsel for the petitioner submits that the respondent No. 1 has filed an application under Section 35 of the Consumer Protection Act, 2019 against the petitioner seeking an amount of Rs. 7,61,898/- alongwith interest and Rs. 50,000/- for mental agony and cost before the District Consumer Dispute Redressal Commission, Durg which was registered as Case No. C.C/2020/474. The notice of the said case was issued to the petitioner, however, the same was not duly served to the petitioner. Thereafter, the petitioner was proceeded *ex-parte* and an *ex-parte* order dated 27.11.2021 (Annexure P/2) was passed against the petitioner thereby the petitioner was directed to pay a sum of Rs. 5,46,262/- alongwith simple interest @ 6% per annum from 20.08.2020 till payment is made plus Rs. 50,000/- as mental agony and Rs. 2,000/- as cost of the litigation. As the petitioner was not aware with regard to passing of the order, because the amount could not be deposited. As soon as the petitioner came to know about the passing of the *ex-parte* order, he moved an application for setting aside the said *ex-parte* order *inter alia* pleading that the registered notice was issued in the name of Kumar Yadav whereas the name of

	the petitioner is Tarun Kumar Yadav. He further submits that the petitioner was tested Corona “positive” on 06.11.2020 and from 07.11.2020 to 15.11.2020 he was admitted in Shankracharya Medical College, Junwani and later on his mother was also tested Corona “positive” and was kept in the quarantine and his house was sealed for 17 days from 18.11.2020 and the persons were not allowed to visit his house. Thus, service of the notice to the petitioner on the application filed by the respondent could not be effected. The said application was rejected by the learned District Commission, Durg vide its order dated 15.03.2024 which is impugned herein in Case No. AE/25/1of 2025. Learned District Consumer Dispute Redressal Commission, Durg has not considered the submissions that the notice of the application was not duly served. Therefore, challenging the same, instant writ petition has been filed. He further submits that the respondent had initiated an execution of the order dated 27.11.2021 and the petitioner has been sent to jail by the learned District Commission by exercising power under Section 72 of the Consumer Protection Act, 2019. He submits that alongwith this writ petition he has moved the application for stay of the execution proceeding.
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This Court earlier issued a notice to the respondent No. 1 and the same was returned unserved, as he was not residing in the given address.

From perusal of the record, it appears that the petitioner was tested "corona positive" and due to which he remained hospitalized from 07.11.2020 to 15.11.2020. It appears that the District Commission has passed the impugned order on 27.11.2021, the acknowledgment would indicate that the date of hearing the case was 08.12.2020.

In the given facts circumstance, this Court is of the opinion that *prima facie* case is made out in favour of the petitioner. Thus, the Execution proceeding bearing No. EA/2022/96 pending before the consumer forum, Durg shall remain stayed till the next date of hearing.

Post this matter on **16th of January, 2026.**

In the meanwhile, the petitioner shall furnish the present and correct address of the respondent No. 1.

Sd/-
(Sachin Singh Rajput)
Judge