
(2010) 03 NCDRC CK 0014

In the National Consumer Disputes Redressal Commission

A Prakash

APPELLANT

Vs

Udaya Sree Chit Fund Company Nizamabad

RESPONDENT

Date of Decision : 05-03-2010

Acts Referred:

Citation : 2010 2 CPJ 191

Hon'ble Judges : Ashok Bhan , S.K.Naik J.

Final Decision : R.P. dismissed.

Judgement

1. MR. Justice Ashok Bhan, President-Petitioner, who was the complainant before the District Consumer Disputes Redressal Forum, Nizamabad (hereinafter referred to as "the District Forum"), has filed the present Revision Petition against the Order dated 7.10.2005 passed by the Andhra Pradesh State Consumer Disputes Redressal Commission, Hyderabad (for short, "the State Commission") which partly allowed the Appeal filed by the petitioner enhancing the award amount to Rs. 8,500.

2. SHORTLY stated, the facts leading to the filing of the case are: It is stated in the Complaint that the petitioner/complainant joined the respondent's Chit Fund for Chit value of Rs. 50,000 @ Rs. 2,000 per month in 25 instalments commencing from 23.1.1992 to 1.1.1994. That the petitioner made all the instalments regularly against receipts issued by the respondent. That on maturity of the Chit, when the petitioner approached the respondent to get the maturity amount, the respondent failed to pay the amount. Petitioner, being aggrieved, filed the complaint before the District Forum for a direction to the respondent to pay Rs. 50,000 along with interest @ 24% p.a. with effect from January, 1994 till realisation and to pay Rs. 5,000 as compensation with costs of litigation.

3. ON being served, respondent filed its Counter admitting the fact that petitioner had joined the Chit for Rs. 50,000 for a duration of 25 months starting from 23.1.1992 to 1.1.1994. It was stated that the complainant was also a member of another two Chit groups bearing No. A5 with the Chit value of Rs. 10,000 for a period of 25 months starting from October, 1991 upto October, 1993

and in group bearing No. K10 with the Chit value of Rs. 25,000 for a duration of 25 months starting from October, 1991 upto October, 1993. That the petitioner after withdrawing himself from Chit No. A5 with a value of Rs. 10,000 on 7.9.1992 and from Chit No. K10 with a value of Rs. 25,000 on 28.4.1993, stopped paying the instalments in respect of all the said three Chits and, in spite of repeated reminders, did not pay the instalments. That in all the petitioner had to pay Rs. 22,230 in respect of the above said three Chits. It was further alleged that the petitioner had taken hand loans from OP No. 4 on four different dates totalling to Rs. 5,000. That as the respondent was fed up with the petitioner, it settled the account of the petitioner. That as per final settlement of account, the petitioner was entitled to get the balance amount of Rs. 8,010, out of which, respondent paid Rs. 8,500 to one G. Ravi on the basis of the letter of the petitioner. Thus, the final balance payable by the petitioner to the respondent is Rs. 490. That the respondent was ready to pay the balance amount of Rs. 490 but the petitioner refused to accept the same and had filed the complaint by suppressing the material facts. Thus, denying the allegations made in the complaint, respondent prayed for dismissal of the complaint.

4. DISTRICT Forum, after taking into consideration, the evidence and the pleadings led by the parties, partly allowed the complaint and directed the respondent to return Rs. 490 to the petitioner.

5. AGGRIEVED by the Order passed by the District Forum, petitioner filed an Appeal before the State Commission. The State Commission, partly allowing the Appeal, directed the respondent to pay Rs. 8,500 to the petitioner along with Rs. 500 as costs. It was held that simply because the petitioner admitted that G. Ravi sold the shares, it cannot be inferred, basing Ex. B1, that the respondent had paid Rs. 8,500 to said G. Ravi. That RW-1 stated that no receipt was taken from G. Ravi to whom they had paid Rs. 8,500. So, the payment made by the respondent to G. Ravi was not established.

6. AGGRIEVED by the Order passed by the State Commission, petitioner has preferred this Revision Petition.

7. COUNSEL for the petitioner has been heard at length. In spite of notice, neither the respondent nor his Counsel have put in appearance. Ordered to be proceeded ex parte.

8. PETITIONER has filed his Written Submissions stating certain facts which are not borne out from the record. The State Commission, on consideration of the entire facts placed before it, concluded that the petitioner was entitled to receive the sum of Rs. 8,500 only. This finding has been recorded on the basis of the evidence produced by the parties. We have perused the same. Counsel for the petitioner is unable to displace any of the findings recorded by the State Commission.

9. IN Revisional jurisdiction under Section 21 of the Consumer Protection Act, 1986, this Commission can exercise its jurisdiction where it appears that the

State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

10. IN the present case, Counsel for the petitioner has been unable to show that the State Commission has exercised jurisdiction not vested in it by law or has failed to exercise the jurisdiction so vested. He has also unable to point out any misreading of evidence. We find no illegality or irregularity in the exercise of the jurisdiction. The finding recorded is a finding of fact based on evidence which cannot be interfered with in exercise of Revisional jurisdiction.

11. FOR the reasons state above, we find no merit in this Revision Petition and dismiss the same leaving the parties to bear their own costs. R.P. dismissed.