
(1992) 09 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

AKHIL BHARATIYA GRAHAK PANCHAYAT

APPELLANT

Vs

CIPANI AUTOMOBILES LTD.

RESPONDENT

Date of Decision : 23-09-1992

Acts Referred:

Citation : 1993 2 CPR 301 : 1994 2 CPJ 485

Hon'ble Judges : G.G.Loney , Elipe Dharma Rao J.

Final Decision : Complaint allowed

Judgement

1. AKHIL Bharatiya Grahak Panchayat filed this complaint along with Suresh Gadage who had purchased a Montana Diesel Car bearing Registration No. KA-04/M-887 on payment of Rs. 1,16,650/- as consideration. The complainant alleged that the Car started giving lot of problems and, therefore, it was frequently required the replacement of parts and repairs. The complainant alleged that the gasket, gear box and other parts were replaced within the short period of its purchase. According to the complainants even then the said Car was not giving satisfactory service. The complainant, therefore, claimings the refund of price of the car and also Rs. 5,000/- as compensation. In support of his allegations the complainants filed the affidavit the receipt of payment of the consideration and job cards showing the replacement and repairs carried out before filing of the complaint. The complainant was opposed by one Shri Padmarajan on behalf of the , M/s. Sipani Automobiles.

2. WE have heard complainant in person and Shri Padmarajan for Opposite Party. The fact that the car was purchased by the complainant and that gear box and the gasket replaced have not been disputed by the Opposite Party. The job cards dated 12.9.90,12.12.90, and 12.1.91 in which over heating, gear noise, fan radiator and other complaints are clearly written. These facts coupled with the affidavit supporting the allegations made in the complaint clearly establish that the car sold to the complainant was defective. According to Shri Padmarajan aforesaid repairs were carried out as per the job cards and, therefore, the allegations that the car was defective cannot be accepted. Shri Padmarajan also

filed on record a report dated 9.5.89 to show that the vehicle in question was not defective as the aforesaid report show the roadworthiness of the Montana Diesel Gar. WE have perused that report and find that it is a general report and it is not concerning the vehicle in question which was purchased on 7.6.90 Whereas, the said report is of the year 1989. Thus, we find that the complainant has fully proved the allegations made in this complaint about the defect in the car purchased by him and manufactured by O.P. No. 1. The complainant has also claimed the compensation of Rs. 5,000/-. However, there is no material on record to show the losses suffered by the complainant by the use of the said Car. The replacement of the parts were carried out free of costs and the complainant was not required to pay anything for that. Hence, we do not find that the complainant is entitled for any compensation. But we find that the complainant is entitled for the refund of the price. Hence, we pass the following order: ORDER The complaint is allowed. The O.P. No. 1, M/s. Sipani Automobiles Ltd., Bangalore shall refund Rs. 1,16,650/- to the complainant the price of the car and take back the Car No. KA-04/M-887 from the complainant. The complainant shall delivered the Car to the O.P. No. 1 after the receipt of the amount of refund. The refund be made within two months from the date of refund. The refund be made within two months from the date of this order failing which the amount shall carry interest at the rate of 18% p.a. till realisation. Complaint allowed.