

(2001) 01 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

A.M.T.DEVI MUTHUDURAI

APPELLANT

Vs

CHIEF GENERAL MANAGER, STATE BANK OF INDIA

RESPONDENT

Date of Decision : 30-01-2001

Acts Referred:

Citation : 2002 1 CPJ 459

Hon'ble Judges : M.S.Janarthanam , Kayal Dinakaran J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order dated 20.12.1996 on the file of the District Consumer Disputes Redressal Forum, Chennai (North). The appellant is the complainant while the respondents are the opposite parties.

2. ONE Mrs. Kanthiammal, the mother of the complainant pledged her jewels with the opposite parties and availed of two loans for agricultural purposes, one on 23.9.1988, and the other on 26.9.1988. The said Kanthiammal died without redeeming the jewels on 31.8.1989. The complainant, it appears, wanted to redeem the jewels and took steps in that regard through the medium of her husband. She would claim that she was informed by the opposite parties that her mother Kanthiammal was entitled to relief under Agricultural and Rural Debt Relief Scheme. Intimation would be sent to her in due course after the finalisation of the accounts. She would further claim that instead of granting the relief as stated earlier, a notice had been sent to her by the opposite parties stating that the pledged jewels would be sold if the loan amount was not paid within a specified time. She would say several persons in the village had been given relief on the basis of the said scheme. Despite representations made by her to the opposite parties-Bank, no relief was granted.

Alleging the factors as above, she knocked at the doors of the Forum below for certain reliefs as prayed for in the complaint.

3. THE opposite parties in pith and substance would contend that the loan taken by the mother of the complainant is not an eligible loan and, therefore, it is that

she is not entitled to any relief under Agricultural Debt Relief Scheme. What is further contended was that the cut-off date for ARDRS is 1.10.1989. Since the loan account of Kanthiammal was treated as overdue only after 26.10.1989, she was not eligible for the relief. THERE is no deficiency in service on their part. THE complaint is liable to be dismissed. The Forum below after taking into consideration the materials placed on record, ultimately recorded a finding that she was not entitled to any relief under Agricultural Rural Debt Relief Scheme and consequently dismissed the complaint with cost of Rs. 350/-.

4. AGGRIEVED by the order as above, the complainant resorted to the present action by engaging a Counsel of his choice namely, learned Counsel Mr. T. Sivagnanasambandam. On service of process, the respondents/opposite parties entered appearance through a Counsel of their choice namely, learned Counsel Mr. K.C. Poulouse. We heard the arguments of learned Counsel S. Muthudurai, representing learned Counsel Mr. T. Sivagnanasambandam, appearing for the appellant/complainant and learned Counsel Mr. K.C. Poulouse, appearing for the respondents/opposite parties.

5. THE question that arises for consideration in this action is as to whether the order of the Forum below, on the facts and in the circumstances of the case, is sustainable in law.

6. EVEN at the outset, we may point out that there are absolutely no merits in this appeal. The Forum below recorded a finding that the complainant was not entitled to any relief under Agricultural and Rural Debt Relief Scheme inasmuch as the loan taken of by the mother of the complainant cannot at all be construed as an eligible loan. The loan taken by the mother of the complainant became overdue after 26.11.1989. The cut-off date as per the aforesaid scheme for the relief is 1.10.1989. This aspect of the matter had been duly taken into account by the Forum below in dismissing the complaint. Such being the case, it cannot at all be stated that the order of the Forum below is not sustainable in law. The Forum below while dismissing the complaint, awarded cost in a sum of Rs. 350/-. We are however not in agreement with the order of the Forum below in mulcting liability for the payment of costs on the shoulders of the complainant, on the facts and in the circumstances of the case. The hapless complainant thinking that she is entitled to the relief under the Agricultural and Rural Debt Relief Scheme, prayed for certain reliefs from the opposite parties Bank. The opposite parties Bank admittedly did not grant the relief. The complainant thereafter pursued the remedy before the various Forums, i.e., by knocking at the writ jurisdiction of the High Court and also the Forum below honestly thinking that she is entitled to the relief under the said scheme. The fact that the relief was not granted to her does not mean that she had resorted to the launching of a complaint against the opposite parties without any reason whatever. Such being the case, we are of the view that mulcting of liability on the shoulders of the complainant by way of payment of cost of Rs. 350/- is not proper. Therefore, we delete the order of the Forum below as respects costs.

Except to the extent of the modification of the order of the Forum below as indicated above, the appeal, in other respects shall stand dismissed. We however make no order as to costs on the facts and in the circumstances of the case. Appeal dismissed.