

(2004) 05 NCDRC CK 0109

In the National Consumer Disputes Redressal Commission

APARNA ASSOCIATES

APPELLANT

Vs

Periannan

RESPONDENT

Date of Decision : 26-05-2004

Acts Referred:

Citation : 2004 2 CPC 669 : 2004 2 CPR 108 : 2004 3 CLT 161 : 2004 4 CPJ 27

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal dismissed

Judgement

1. THE appeal is directed against the order passed by the District Consumer Disputes Redressal Forum, Cuddalore in O.P. No. 52 of 1997 on 19.2.1999 directing the opposite parties to refund a sum of Rs. 15,000/- with interest at 15% from 14.2.1996 and another sum of Rs. 15,000/- with interest at 15% from 23.2.1996 along with a compensation of Rs. 5,000/- and a cost of Rs. 500/-.

2. THERE is no merit in this appeal. Though the complainant makes mention of several deposits, the documents produced by him show clearly that he sent a sum of Rs. 15,000/- on 14.2.1996 and another sum of Rs. 15,000/- on 23.2.1996 for investment in Integrated Kinetic Finance Limited and M/s. 20th Century Kinetic Finance Limited to the opposite parties who have issued acknowledgements and receipts under their letterhead. If an employee of the first and second opposite party namely the third opposite party had misappropriated, the opposite parties 1 and 2 cannot disown their liability. The complainant has invested the amount through the opposite parties, who are admittedly agents, authorised to receive such deposits and invest them according to the instructions of the depositors. In this case on hand, though they have received totally a sum of Rs. 30,000/- from the complainant, they have not chosen to issue the receipts from the companies in which the deposit was sought to be made by the complainant. Therefore, it is clear that there is deficiency in service for which the opposite parties are squarely liable. Therefore, in such circumstances, the order of the lower Forum directing the opposite parties to refund the amount along with a compensation of Rs. 5,000/- and cost of Rs.

500/- cannot be held to be opposed to law or unjustified on facts. As there is no order in this appeal, it has to be dismissed and consequently the appeal is dismissed.

In the result, this appeal is dismissed with cost of Rs. 250/- confirming the order passed by the lower Forum. Time for compliance: Two months. Appeal dismissed.