
(2000) 09 SC CK 0090
In the Supreme Court Of India
Case No : Civil Appeal No: 5101 of 2000

Arvind Sahni

APPELLANT

Vs

Punjab and Sind Bank

RESPONDENT

Date of Decision : 18-09-2000

Acts Referred:

Consumer Protection Act, 1986

Citation : AIR 2000 SC 3539 : (2000) AIRSCW 3340 : (2000) 7 JT 352 : (2001) 9 SCC 359

Hon'ble Judges : Ruma Pal, J;B. N. Kirpal, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. By the Court.-Special leave granted.

2. The case of the appellant was that somebody had wrongly withdrawn a sum of Rs. 54,000.00 from his account with the respondent-bank. Complaint was filed and then an application was filed by the appellant before the Consumer Disputes Redressal Forum, Chandigarh. The State Forum came to the conclusion that as a result of the forgery, a cheque had been encashed. The cheque, for Rs. 30,000.00 did not bear the signatures of the appellant and decree for Rs. 34,000.00 was passed. The same was challenged and by the impugned order the National Commission has affirmed that it was not in dispute that the signatures on the cheque was not that of the appellant. The amount involved has already been paid to the appellant. The National Commission, however, directed the appellant to furnish indemnity bond.

3. It is this part of the order which is challenged by the appellant. It is found that when admittedly the cheque was not signed by the appellant and the amount involved has been already reimbursed the National Commission erred in requiring the furnishing of an indemnity bond especially when it does not appear to be a categorical case of the respondent that there was any sort of connivance between the appellant and the forgery. We accordingly, allow this appeal and set

aside that part of the order of the National Commission which had required the appellant to furnish the indemnity bond.