

(2001) 01 NCDRC CK 0104

In the National Consumer Disputes Redressal Commission

AWADESH CHANDRA DIXIT

APPELLANT

Vs

BRANCH MANAGER, KASHINATH SETH BANK

RESPONDENT

Date of Decision : 01-01-2001

Acts Referred:

Citation : 2001 2 CPJ 39

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Appeal partly allowed

Judgement

1. THIS is an appeal against the judgment and order dated 12.10.1992 passed by District Consumer Forum, Hardoi, in Complaint Case No. 300/92.

2. THE facts of the case stated in brief are that the complainant deposited a F.D.R. receipt of Rs. 14,820.15 with the Kashinath Seth Bank on 15.10.1992 which the Kashinath Seth Bank sent the FDR receipt to Punjab National Bank, Mal Road, Kanpur by registered post. THE amount of this Fixed Deposit was not given by the bank to the complainant. THE opposite parties filed a written statement and contested the case. THE learned District Forum, after considering the case of the parties, came to the conclusion that the Punjab National Bank has stated that they are not liable for payment of any amount. The learned District Consumer Forum after considering the case of the parties, dismissed the complaint.

Aggrieved against this order the complainant has come in appeal and has challenged the correctness of order passed by the learned District Consumer Forum.

3. ON the date of hearing, none of the parties were present, even though they were informed previously by registered post and for the last date of hearing on Service Postage Stamp. The service is, therefore, presumed on them. A perusal of file will go to show that the complainant deposited a FDR of Rs. 14,820.15 for encashment with Kashinath Seth Bank. This bank had sent this receipt to Punjab National Bank, Mai Road, Kanpur for collection. The payment of this amount Was

not made probably on account of fact that it was lost in Post Office. The learned District Consumer Form has dismissed the entire case holding that the Post Office is not liable for the same. It may be mentioned that the appellant is not a consumer of the Post Office.

4. THE complainant deposited the FDR with the Kashinath Seth Bank and Kashinath Seth Bank should have refunded the amount of the complainant because the FDR was deposited for encashment. THE Kashinath Seth Bank failed to give satisfactory service to the complainant. THE deficiency of service was, therefore, on the part of the Kashinath Seth Bank. It has nothing to do with the Punjab National Bank or the Post Office because the complainant was not the consumer of those agencies. THE learned District Forum should have, therefore, decreed the claim against Kashinath Seth Bank. THE appeal is, therefore, liable to be allowed partly. ORDER The appeal is partly allowed and the opposite party No. 1, Kashinath Seth Bank is directed to refund a sum of Rs. 14,820.15 alongwith 12% per annum simple interest from 15.11.1992 till the date of payment. Let compliance of this order be made within a period of two months.

5. LET copy of this order be made available to the parties as per rules. Appeal partly allowed.