

(1995) 02 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

BALAJANATHIPATHI

APPELLANT

Vs

MANAGING DIRECTOR, NESOMANY TRANSPORT
CORPORATION LTD

RESPONDENT

Date of Decision : 17-02-1995

Acts Referred:

Citation : 1995 3 CPJ 265 : 1996 1 CPC 477 : 1996 1 CPR 296 : 1996 2 CLT 176

Hon'ble Judges : S.A.Kader , Ramani Mathuranayagam , V.S.Kandasamy J.

Final Decision : Appeal partly allowed without costs

Judgement

1. THE appeal is against the order of the District Consumer Disputes Redressal Forum, Nagercoil dated 16.6.94 in O.F. No. 48/93. THE Complainants are the Appellants.

2. THE Complainants had booked 3 tickets with the 1st Opposite Party's bus on 9.12.92 at 12 noon for travel from Madras to Nagercoil, which was leaving Madras at 4.30 p.m. on that date on payment of the fare of Rs. 156/-. When the Complainants went to the Bus Stand at 3.30 p.m., they were informed that the bus already left at 1.30 p.m. THE complainants were forced to stay in Madras on 9.12.92 and 10.12.92. On 10.12.92, they again went to the Bus Stand and reserved 3 tickets for their travel from Madras to Nagercoil in the bus leaving at 7.00 p.m. on that date on payment of the fare of Rs. 156/-. THEy waited till 9.45 p.m., but they were informed that this bus was cancelled. Alleging deficiency in service, they have come forward with this claim for compensation. The opposite parties contended that in view of the Bandh on 10.12.92, the bus had to be operated earlier on 9.12.92 due to the instructions by police officials. It had therefore left at 1.30 p.m. instead of 4.30 p.m. on 9.12.92. On 10.12.92, the trip of the bus leaving Madras at 7 p.m. was cancelled for the safety of the passengers at the request of the police officials. There was no deficiency in service.

The District Forum accepted the contentions of the Opposite Party and dismissed the claim. Hence this appeal.

3. THE Bandh that took place on 10.12.92 was a State-wide one. It was not a lightning or a sudden Bandh, but one which was informed well in advance. THE Railways, Airlines, scheduled their departures and arrivals much in advance so that passengers could not be inconvenienced. But unfortunately, the Opposite Party has not rescheduled its departures and arrivals well in time. THE Complainants have purchased the tickets on 9.12.92 at 12 noon for the bus which has to depart Madras to Nagercoil at 3.30 p.m. It is obvious that till 12 noon on 9.12.92 they have not decided in advancing the time. If only the Booking Clerk had informed the complainants at the time of booking their tickets at 12 noon on 9.12.92, of the advancement of the departure of the bus at 1.30 p.m., the Complainants would have been ready and left by that bus. Similarly on 10.12.92 they have purchased tickets at 6 p.m. for the bus which had to leave Madras at 7 p.m. and it was only at 9.45 p.m., the complainants were informed that the trip has been cancelled. Here again the Opposite Parties have acted without any forethought. Though this lack of forethought in rescheduling the trip well in advance may amount to deficiency, we must not forget the fact that the authorities of the Opposite Parties have acted in the best interest of the safety of the passengers. We are not therefore inclined to award any compensation, but only order refund of the ticket fare. In the result, the appeal is allowed in part, the order of the District Forum is modified and the Opposite Party is directed to refund to the complainants the ticket fare of Rs. 156 + 156 = Rs. 312/-. There will be no order as to costs throughout. Appeal partly allowed without costs.