

---

**(2003) 09 NCDRC CK 0037**

**In the National Consumer Disputes Redressal Commission**

BHARGAVA

APPELLANT

Vs

S.K.BIRLA

RESPONDENT

---

**Date of Decision :** 16-09-2003

**Acts Referred:**

**Citation :** 2004 1 CPJ 345 : 2004 1 CPR 558 : 2004 2 CLT 82

**Hon'ble Judges :** Lokeshwar Prasad , Mahesh Chandra J.

**Final Decision :** Appeal dismissed

---

**Judgement**

1. THE present appeal, filed by the appellant, under Section 15 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") is directed against order dated 27.3.2003, passed by District Forum, Kasturba Gandhi Marg, New Delhi in Complaint Case No. OC/27/2000 - entitled Pt. Jai Bhagwan Bhargava v. Shri S.K. Birla, Chairman, Shri Sanatan Dharam Sabha, Laxmi Narain Temple Trust, Mandir Marg, New Delhi.

2. THE facts, relevant for the disposal of the present appeal, briefly stated, are that the appellant, Shri K.C. Bhargava, in his capacity as legal heir of his father Pt. Jai Bhagwan Bhargava, had filed a complaint under Section 12 of the Act before the District Forum, averring therein that his late father Pt. Jai Bhagwan Bhargava was appointed as a Priest by the Chairman, Shri Sanatan Dharam Sabha, Laxmi Narain Temple Trust, Mandir Marg, New Delhi in 1937 and remained in service of the Trust till 31.3.1995. It was stated that Pt. Jai Bhagwan Bhargava retired from service on 1.4.1995. It was stated that the respondent Trust used to deduct contribution from the emoluments of late Pt. Jai Bhagwan Bhargava towards provident fund. In the provident fund, to which late Shri Jai Bhagwan Bhargava was contributing, Shri Jai Bhagwan Bhargava had nominated his wife Smt. Jagwati as nominee to receive the benefits. In the complaint, filed by Shri K.C. Bhargava, in his capacity as LR of late Shri Jai Bhagwan Bhargava, it was prayed that the amount of the provident fund due and payable to late Pt. Jai Bhagwan Bhargava be released in his favour. The learned District Forum vide impugned order has held that the appellant Shri K.C. Bhargava was not entitled

to file the complaint for the above relief without joining the other legal heirs and in case Smt. Jagwati, the wife of late Pt. Jai Bhagwan Bhargava is alive, in that event Shri K.C. Bhargava or other legal heirs are not entitled to file such an application. The learned District Forum has directed the respondent to disburse the provident fund amount to the legal heirs of late Shri Jai Bhagwan Bhargava as per rules.

Not feeling satisfied with the above order passed by the District Forum, the appellant has preferred the present appeal under Section 15 of the Act.

3. WE have heard the appellant at length on the question of admission of the present appeal and have also carefully gone through the documents/material on record. On the basis of documents/material on record it is not in dispute that late Shri Jai Bhagwan Bhargava was an employee of Shri Sanatan Dharam Sabha, Laxmi Narain Temple Trust, Mandir Marg, New Delhi and in his capacity as an employee of the Trust was contributing to the provident fund being maintained by the employer. It is also not in dispute that said Shri Jai Bhagwan Bhargava has ceased to be the employee of the Trust and as such the amount of provident fund has become due and payable to him/his legal heirs. It is also not in dispute that Shri Jai Bhagwan has already expired and, therefore, the amount of the fund is due and payable to the legal heirs and cannot be paid to a single heir to the exclusion of the other legal heirs. On the basis of documents/material on record it is also not in dispute that Shri Jai Bhagwan had nominated his wife Smt. Jagwati. In case Smt. Jagwati is alive then the fund amount is payable to said Smt. Jagwati on the basis of the nomination made by Shri Jai Bhagwan Bhargava, otherwise the same is payable to all the legal heirs of the deceased Shri Jai Bhagwan Bhargava. The order being impugned in the present proceedings, is a well reasoned order. The same, therefore, suffers from no infirmity so as to call for any interference by this Commission in exercise of its appellate powers. The present appeal, filed by the appellant, is therefore, devoid of substance. The same merits dismissal. Accordingly, the same is dismissed in limine with no order as to costs. Appeal dismissed.