
(2002) 03 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

BHAVANA CHITS AND FINANCE

APPELLANT

Vs

KANCHARLA ABHISELOMU

RESPONDENT

Date of Decision : 13-03-2002

Acts Referred:

Citation : 2003 2 CPJ 237

Hon'ble Judges : P.Ramakrishnam Raju , Mamata Lakshman J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an application to condone the delay of 111 days in filing the appeal.
2. WHAT is stated in the petitioner's affidavit is that he made an application for certified copy of the order on 24.6.2002 and received the same on the same day. As he was suffering from hypertension with viral infection he was under the treatment of Dr. V.V.S. Prasada Rao till 25.10.2002. He became fit for travel from 8.11.2002. Accordingly he reached Hyderabad on 11.11.2002 and filed this appeal. Hence there is a delay of 111 days in filing the appeal. He also filed a certificate from Aswani Hospital stating that he was advised rest from 15.7.2002 to 25.10.2002. Even accepting the certificate issued by the hospital there is no explanation why the appeal was not filed till 11.11.2002 when he has become normal from 25.10.2002. This explanation, therefore, cannot be accepted and the application is devoid of merits and is accordingly dismissed. Even otherwise there are no merits in the appeal. The opposite parties in C.D. No. 361/2002 on the file of District Forum, Visakhapatnam are the appellants.

The case of the complainant is that the complainant joined as a member in the Chit Group BVCL-I on 5.8.1995 which is for a value of Rs. 25,000/- payable in 50 months at the rate of Rs. 500/- per month. The complainant had paid 46 instalments. He was not paid the amount due to him after the termination of the chit. Hence he approached the District Forum.

3. THE District Forum found that there is deficiency in service on the part of the appellants and accordingly directed them to pay a sum of Rs. 20,517/- with

interest at 24% p.a. from the date of termination of the chit till payment with costs of Rs. 1,000/-. Hence the appeal. The main objection of the appellants is that the complainant participated in the auction held on 25.4.1999 agreeing to forego a sum of Rs. 1,500/-. He had also withdrawn the prize money of Rs. 23,450/- on 30.5.1999. For this the appellant relies upon voucher and receipts. The District Forum rightly found that the invariable practice of chit fund companies is to obtain voucher and receipt and thereafter issue a cheque leisurely. The appellants did not produce their registers. Whenever the Chit Fund Company pays the money to its members either as prize money or at the termination of the chit it will be paid only by way of cheque. Therefore, the contention of the opposite parties that they have paid the money to the complainant through cash is absolutely false. Hence the District Forum rightly found that there is deficiency in service.

4. THE learned Counsel for the appellants produced the day book which contains more gaps than the entries. Many customers signed but no signature is obtained from this complainant. THE most crucial circumstance in this case is that the appellants contend that they paid the prize money without even obtaining sureties which is very strange. No Chit Fund Company pays the money to the auction-purchaser without obtaining sureties. For all these reasons the order of the District Forum is unassailable. The appeal, therefore, fails and is accordingly dismissed. Time for payment six weeks. Appeal dismissed.