

(2001) 06 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

BRANCH MANAGER, BANK OF BARODA

APPELLANT

Vs

C.KRISHNA RAO

RESPONDENT

Date of Decision : 18-06-2001

Acts Referred:

Citation : 2001 3 CPJ 173

Hon'ble Judges : T.Jayarama Chouta , B.H.Kamalamma J.

Final Decision : Appeal dismissed

Judgement

1. THE opposite party, Bank of Baroda, which has been directed to pay a sum of Rs. 5,000/- to the complainant as compensation for hardship, inconvenience and mental agony within a period of 4 weeks by the Second Additional District Forum, Bangalore Urban Dist. in order dated 19.11.1998 in Complaint No. 2170/96, has filed this appeal.

2. THE complainant approached the District Forum alleging that though there was balance in his account, the cheque issued by the complainant had been returned by the opposite party and hence claimed compensation under different heads. THE opposite party contested the said complaint by filing written version denying all the allegations made in the complaint. THE District Forum, after hearing both sides passed the impugned order. In the appeal, the learned Counsel, Mr. K.V. Hegde, appearing on behalf of the appellant submitted before us that the District Forum was not justified in awarding compensation of Rs. 5,000/- to the complainant. He pointed out that the complainant was informed by the Bank that it cannot extend foreign exchange facility, but the same can be extended through main branch, K.G. Road, Bangalore and that being so it cannot be said that there was deficiency on the part of the opposite party. He has also pointed out that the District Forum has not taken into consideration this fact while passing the impugned order.

On the other hand we heard Mr. N.P. Kumar on behalf of the respondent. He submitted that the Bank was not justified in wrongfully dishonouring the cheque despite the complainant having sufficient fund in his account. He has also further

pointed out that wrongful dishonour of cheque will amounts to deficiency of service. The District Forum was right in awarding compensation. He has placed reliance on few of the decisions in support of his contention.

3. WE have been taken through the order of the District Forum. The District Forum has given reason while passing the decision in its order. It has observed that there was sufficient fund to the credit of the complainant at the time of producing the cheque and the opposite party has negligently dishonoured the said cheque which amounts to deficiency in service. We have carefully considered the order passed by the District Forum. The order does not suffer from any legal infirmity. Hence we see no ground to interfere with the said order. Accordingly this appeal which has no merit shall stand dismissed. No cost. Appeal dismissed.