

(1994) 03 NCDRC CK 0086

In the National Consumer Disputes Redressal Commission

BRANCH MANAGER, THE PEERLESS GENERAL INVESTMENT
CO. LTD.

APPELLANT

Vs

C.K.THANKAMONY DEVI

RESPONDENT

Date of Decision : 02-03-1994

Acts Referred:

Citation : 1995 1 CPJ 422

Hon'ble Judges : P.K.Shamsuddin , C.G.Sethu Lakshmi , K.Balakrishnan Nair J.

Final Decision : Appeal dismissed

Judgement

1. OPPOSITE party in O.P. 77/93 on the file of the District Forum, Kottayam is the appellant.

2. THE complainant who is the respondent herein was subscriber and holder of the Social Welfare Scheme for Rs. 5,000/- and it matured on 19.6.1991. He had paid Rs. 691.25 in seven instalments. THE complainant approached the opposite party for the paid up amount and the opposite party declined to pay the same. It is in those circumstances this complaint was filed. The opposite party in their objection filed contended that as per the existing provisions of the scheme the certificate holder had to remit a minimum of two full years premium for getting refund of paid up subscriptions. In this case the complainant had only paid seven instalments and therefore he was not entitled to any relief.

The certificate was issued only after 12.10.82 much after payment of instalments. In the circumstances the District Forum took the view that complainant is entitled to get refund of 5 instalments paid before the certificate was issued together with interest at the rate of 12% per annum.

3. IN this appeal, learned Counsel for the appellant challenged the order. Learned Counsel submitted according to the conditions in the certificate the premium has to be paid at least for a period of 2 years for enabling the subscriber to get refund of the paid up subscription. There is absolutely no evidence to show that the condition was explained to the complainant before the complainant was

induced to join the scheme. The complainant was only a subscriber. The conditions are contained only in the certificate. It was received by the complainant only after payment of 5 instalments. IN the circumstances we feel that the District Forum was justified in holding that the complainant is entitled to get refund of premium paid before the certificate was issued. It follows there is no error in the order of District Forum. We accordingly dismiss the appeal. Appeal dismissed.