
(1992) 09 NCDRC CK 0015

In the National Consumer Disputes Redressal Commission

CHANDER KANTA BANSAL

APPELLANT

Vs

K.L.M. ROYAL DUTCH AIRLINES, NEW DELHI

RESPONDENT

Date of Decision : 01-09-1992

Acts Referred:

Citation : 1992 0 CPC 594 : 1992 3 CPJ 291 : 1994 1 CLT 230

Hon'ble Judges : S.S.Sandhawalia , Basanti Devi , S.Kulwant Singh J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the District Forum Hisar, declining the two separate complaints filed by the appellants on the preliminary ground of the lack of territorial jurisdiction. Since we are inclined to affirm the order under appeal, it suffices to notice that facts with regard to the issue of jurisdiction only.

2. THE appellants who are husband and wife on their own showing had approached Shri K.N. Srivastava, proprietor of M/s. India Travel Service, New Delhi at their office to arrange for their return tickets for a journey from New Delhi to Orlando (U.S.A.). It has their case that they had paid Rs. 52,000/- to him thereat, and an assurance was held out to supply O.K. tickets expeditiously. On the 9th of November, 1991 two tickets of K.L.M. Airlines flight for the 13th of November, 1991 were handed over to them and they accordingly reached the Air Port at Delhi well in time at the checking counter. However, because of some complications arising on the eleventh hour both of them were not allowed to board the plane which took off for the U.S.A. Later, respondent No. 1 related and revalidated the tickets and they boarded the flight on the 22nd of November, 1991 from Delhi and left for their destination. THEREafter, on returning back both the appellants filed separate complaints claiming Rs. 99,000/- each as compensation due to harassment and mental agony etc. Both the complaints were resolutely defended by the. opposite parties and the threshold objection about the territorial jurisdiction was pleaded and pressed. It was averred that the whole transaction from its very inception took place at Delhi and no part of the cause of action at all arose within the territorial limits of the district of Hisar. On

merits also, the pleadings were stoutly controverted. It also transpired that arising from the same transaction, a criminal complaint was also filed before the Chief Judicial Magistrate against Shri Srivastava. In the said complaint, the appellants were cited as witnesses.

The District Forum on an appraisal of the material before it and the authority cited came to the conclusion that under Section 11 of the Act, both the complaints did not lie at Hisar and accordingly declined to entertain the same.

3. MR. Raj Bassi, the learned Counsel for the appellants was indeed hard put to lay any meaningful challenge to the finding of the District Forum. Indeed the appeal could not be seriously pressed apart from submitting that the appellants resided at Hisar and consequently it should be assumed that some part of the cause of action arose there. We are unable to find any modicum of merit in the half-hearted stand taken on behalf of the appellants. Indeed a perusal of the complaints would show that the appellants' own case was that they had approached M/s. India Travel Service at New Delhi in the month of September. The payment for the tickets was also made at that very place. It is common ground that the flight was also to take off from Delhi and the appellants had reached the Air Port thereat. Any alleged breach of the contract or the refusal of the tickets on the appellants' own showing took place at Delhi. Even the subsequent revalidation of the tickets and the appellants boarding the later flight on the 22nd of November, 1991 had taken place within Delhi jurisdiction. In this context, the mere fact that the appellants may be residents of Hisar loses all relevance since no part of the cause of action can be said to have arisen within the said district.

4. IN a judgment of affirmance, it is wasteful to tread the same, ground again. It suffices to hold that for the foregoing reasons and those noticed by the District Forum, the territorial jurisdiction in the lis lay clearly at Delhi alone. The order under appeal is beyond the pale of any challenge and is consequently affirmed. We regret our inability to find any merit in the appeal which is hereby dismissed. However, we decline to burden the consumer appellants with any costs. Appeal dismissed.