

(2001) 12 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

CHAUDHARY YATRA COMPANY PVT. LTD.

APPELLANT

Vs

LILAWATI EKNATH ADHAV

RESPONDENT

Date of Decision : 28-12-2001

Acts Referred:

Citation : 2002 2 CPC 22 : 2002 2 CPJ 114

Hon'ble Judges : M.S.Rane , V.K.Data J.

Final Decision : Appeal dismissed

Judgement

1. NONE is present on behalf of the appellant although being aware of today's date for admission hearing. Earlier, the matter was moved before us for admission on 7th August, 2001 when we issued Notice before Admission to the respondent making the appeal returnable today. However, none is present on behalf of the respondent and it cannot be ascertained whether the appellant has served the notice issued by us for which Hamdast was granted to effect the service to the appellant's Advocate. It is also not ascertained whether the appellant has complied with our order granting the conditional stay.

2. WE are proceeding to dispose of this appeal on the basis of material available before us. The appellants herein are the original O.P. No. 1 in the aforesaid complaint and have challenged the order dated 8th March, 2000 of that Forum whereunder the District Forum has held the appellants and respondent Nos. 2 and 3 guilty of being negligent in rendering service to the complainant and has awarded compensation of Rs. 10,000/-, Rs. 5,000/- towards refund of fare and Rs. 300/- towards the costs. As stated the appellants have taken exception to the said order.

It is noticed that the complainant-respondent No. 1 with her husband, daughter and son-in-law have joined a pilgrim trip arranged by the appellant to the southern. While en route in that region, driver of the bus of the appellant parked the bus on the wrong side of the highway making the exit door of the bus towards the highway side. The husband of the complainant was about 66 years old when alighted from the door he alighted on the highway and while crossing

he was dashed by bus on that highway and sustained injuries.

3. THE complainant, therefore, approached the District Forum with a grievance that because of the negligence of the driver of the bus engaged by the appellants that mischief occurred in which her husband suffered injury. Before the District Forum the appellants appeared and denied thereby any kind of deficiency on their part. It is, however, pertinent to note that the main substratum and fracas of the grievance of the complainant that driver being negligent in parking the bus on the wrong side of the highway has not been effectively dealt with.

4. WITH these facts, District Forum accepted the evidence and case as was made available by and on behalf of the complainant and has allowed the claim. We are in agreement with the findings as rendered by the District Forum in the impugned judgment, needing no interference. ORDER 1. Appeal stands dismissed. 2. Copies to be furnished to the parties. Appeal dismissed.