
(2007) 12 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

DAYA RAM

APPELLANT

Vs

Union Bank of India

RESPONDENT

Date of Decision : 03-12-2007

Acts Referred:

Citation : 2008 1 CPJ 216

Hon'ble Judges : K.S.Gupta , P.D.Shenoy , S.K.Naik J.

Advocate : Rajendra A.Sayare

Judgement

1. -IT is the say of the complainant that he applied to the Union Bank of India for purchasing tractor and trolley which was handed over to him after depositing Rs. 20,000 and an agreement was signed as per which total amount of Rs. 88,000 was fixed for the tractor, out of which he had paid Rs. 67,000. By notice dated 31. 8. 1999 the Bank demanded total outstanding amount of Rs. 56,526. In the meanwhile he had sent the tractor to his son-in-law for doing agricultural work. Alleging default in payment the tractor was unlawfully seized from his son-in-law by the Bank. Accordingly he filed complaint before the District Forum.

2. DISTRICT Forum after considering the documents filed by both the parties and hearing the arguments directed the opposite party-Bank to give possession of the tractor within 15 days from the date of order upon which he should pay 1/3rd of the outstanding amount to the opposite party within one month of receipt of possession and balance should be paid within three monthly instalments along with compensation of Rs. 400 per day to the complainant from the date of passing of the order to the date of actual delivery of the tractor along with compensation for mental agony of Rs. 5,000 and cost of Rs. 2,000. Aggrieved by the order of District Forum the Union Bank of India filed appeal. The State Commission noticed that out of the agreed amount of Rs. 88,000 complainant had paid Rs. 22,000 leaving a balance of Rs. 66,000 which was total paid by him upto 31. 12. 1998 along with interest at the rate of 13. 26% p. a. . As against this he paid Rs. 45,000 from 3. 4. 1999 to 20. 6. 1999 leaving a balance of Rs. 21,000 along with interest which amounted to Rs. 56,526. When the amount was

not paid despite notice, bank had no choice but to seize the tractor. Hence the State Commission found that the order of District Forum was not based on facts of the case and on the agreement signed between the parties. However, considering the fact that financial condition of the farmers in Vidarbha is precarious and they are prone to commit suicide the State Commission directed respondent-Daya Ram to pay interest on Rs. 66,000 at 13. 26% p. a. from 31. 12. 99 till 3. 4. 1999. Thereafter he shall pay interest on the same rate on the remaining Rs. 21,000 till the date of seizure. Upon payment of this amount he can take back the tractor and trolley from the possession of the appellant-Bank and the Bank was directed to see that tractor is handed over to the respondent in running condition. Order of cost and compensation was set aside by the State Commission,

Having heard Sh. Rajendra A. Sayare and having perused the orders of the Fora below and the documents filed we consider that State Commission has considered the case of the farmer sympathetically and passed a just order. In our view there is no material irregularity or jurisdictional illegality in the order passed by State Commission warranting our interference under Section 21 (1) (b) of Consumer Protection Act, 1986. Hence, revision petition is dismissed. R. P. dismissed.