
(1992) 12 NCDRC CK 0080

In the National Consumer Disputes Redressal Commission

DIVL. CONTROLLER KSRTC, MYSORE DIVN., MYSORE

APPELLANT

Vs

RAMESH REDDY

RESPONDENT

Date of Decision : 07-12-1992

Acts Referred:

Citation : 1993 0 CPC 177 : 1993 1 CPR 181 : 1994 2 CPC 261 : 1994 2 CPR 358 : 1994 3 CPJ 105

Hon'ble Judges : D.R.Vithal Rao , K.R.Ramaswamy Iyengar , Susheela Cheluvaraju J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal, by the opposite party, is directed against the order dated 5.2.1992, passed by the District Forum, Mysore, in complaint No. CPA/646/90-91, directing the opposite party to pay a sum of Rs. 3,745/- to the complainant with interest thereon. The facts, briefly stated, are as follows: 1. The complainant travelled from Bangalore to Mysore in the Super Deluxe Bus of the O.P. on 7.11.1990. He had taken the ticket for his travel, as per Ex. P-2 and for the luggage ticket, as per Ex. P-3. The complainant further averred that the driver of the said bus put the said luggage in the dicky of the bus. The bus on the way to Mysore, halted at Maddur. At Maddur it was found that the shutters of the dicky of the bus were kept open. The driver stood there discussing with the driver of the other bus which had come there just then. Thereafter the bus reached Mysore and it was found that the luggage of the complainant was found missing. The complainant further averred that he had purchased certain articles, as per bill Ex. P-1, at Bangalore, for his shop which he had kept in dicky of the bus, as per luggage ticket, Ex. P-3, which was found missing at Mysore. The complainant nextly averred that the driver of the bus on demand at Mysore did not give any proper explanation and so he immediately made a complaint of this occurrence to the Divisional Controller, at Mysore, as per Ex. P-4 and demanded the value of the luggage articles in a sum of Rs. 3,745/- from the opposite party. When he did not receive any response from the opposite party, filed the complaint seeking the necessary relief.

2. THE opposite party filed its version, admitted the fact that the complainant had made a complaint, as per Ex.P-4. It further averred that on enquiry the driver of the bus told that the passengers had taken away their luggage at Mysore. It nextly averred that they were holding further enquiry in this regard and would intimate the result of enquiry. During enquiry the complainant examined himself and got Ext. P-1 to P-4, marked in evidence. The driver of the opposite party, has examined himself as R. W. 1. The District Forum, on consideration of this material, held that the O.P. committed deficiency of service and in that view awarded compensation to the complainant in a sum of Rs. 3,745/- the value of the articles as per Ex. P-1.

We have called for the records and received. We have also heard the learned Counsel for the appellant perused the material on record.

3. IT is an admitted fact that the complainant travelled from Bangalore to Mysore in a Super Deluxe bus on 7.11.1990. Ex. P-2 is the passenger fare ticket and Ex. P-3 is the luggage ticket. IT clearly establishes the fact that the complainant travelled with his luggage, as per Ex. P-3. The driver of the bus-R.W. 1, has admitted that the passenger had put the luggage in the dicky and it was not locked, but it was only latched. He also admitted that the said bus halted at Maddur for some time and by about 12 midnight it reached Mysore.

4. THE complainant has averred and stated in his evidence that the luggage which he had kept in the dicky for which he had obtained ticket as per Ex. P-3 was the articles purchased by him, Ex. P-1, on the same day at Bangalore. Another significant aspect is that immediately after alighting the bus at Mysore, when the complainant found the luggage missing, made a complaint to the Divl. Controller of the opposite party, as per Ex. P-4, wherein he has given the value of the articles purchased by him under Ex. P-1 that were carried under luggage ticket, under Ex. P-3 in the said bus. The driver of the bus, R.W. 1, has also admitted that he had not locked the dicky wherein the luggage was kept but it was only latched. Having regard to these facts, the District Forum, on assessing this material, held that the complainant established the fact that he had carried the articles as per bill Ex. P-1 under the luggage ticket, Ex. P-3 in the said bus and that was the luggage that was found missing. In view of these facts, the District Forum held that the opposite party committed deficiency of service and in that view awarded compensation of the value of the articles lost.

5. HAVING regard to these facts and in the circumstances of the case, we do not find any justifiable ground to interfere in the order dated 5.2.1992, recorded by the District Forum, Mysore, in Complaint No. CPA/646/90-91. ORDER In the result, therefore, this appeal fails and it is dismissed. The parties are directed to bear and pay their own costs in this appeal. Appeal dismissed.