

(1996) 11 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

DOLAGOBINDA BEHERA OF KENDRAPARA

APPELLANT

Vs

ASHOK KUMAR PADHI

RESPONDENT

Date of Decision : 21-11-1996

Acts Referred:

Citation : 1997 2 CPC 10 : 1997 2 CPJ 56

Hon'ble Judges : P.C.Misra , Biswanath Rath J.

Final Decision : Appeal dismissed

Judgement

1. HEARD the learned Counsel for the appellant at length. The respondent No. 1 does not appear. The complainant filed the Consumer Dispute Case No. 62 of 1995 before the District Redressal Forum, Kendrapara praying for a direction to the respondent No. 1 to supply the ration commodities to him. He claimed to be a ration card holder from respondent No. 1 who was the controlled commodity dealer. The respondent entered appearance before the District Forum and showed cause saying that the complainant is not a ration cardholder so far as he is concerned. The complainant produced the xerox copy of a ration card which has been marked as Ext. 1 before the District Forum in which the Seva Samabaya Samiti, Karilopatna has been mentioned as the dealer. He also filed the xerox copy of a letter purporting to have been sent by the Sarpanch to the present respondent No. 1 dated 10.3.95 in which the Sarpanch has requested the respondent No. 1 to supply the controlled commodities to the complainant. The complainant could not produce any document before the District Forum in which the respondent No. 1 has been mentioned as the controlled commodities dealer so far as his ration card is concerned.

2. THE District Forum came to a conclusion that the complainant has falsely filed the case and imposed a cost of Rs. 200/- (two hundred) only against him to be paid to the respondent No. 1, for frivolous litigation initiated by him under Section 26 of the C.P. Act. The learned Counsel appearing for the appellant alongwith the memorandum of appeal has filed a xerox copy of another ration card purporting to have been signed by the Secretary of the Karilopatna Grama

Panchyat and purporting to have been countersigned by the Sarpanch of the Karilopatna Grama Panchayat mentioning the name of the respondent No. 1 as the controlled commodities dealer from whom he is to get the controlled commodities. The earlier ration card which was filed before the District Forum mentioned Ward No. 17 to be the place where the complainant resides. In the xerox copy of the ration card produced before us as Annexure 2, the complainant has put the Ward Number as 19. That apart, we wanted to know as to whether the Secretary of the Grama Panchayat or the Sarpanch of the Karilopatna Grama Panchyat was the complainant authority under law for issuance of the ration card. The learned Counsel for the complainant-appellant could not satisfy us that the ration card said to have been issued subsequently in favour of the complainant by the Sarpanch was from the proper authority. No explanation has been furnished as to why the Annexure 2 was not produced before the District Forum. Annexure 2 does not appear to be a genuine document though we do not record any definite finding with respect to the same. It, however, appears that Annexure 2 on the basis of which the complainant claims to be a card holder under respondent No. 1 is dated 2.9.92, whereas the Consumer Dispute Case was filed before the District Forum on 24.4.95. From the aforesaid circumstances, we are not convinced that the complainant was a bona fide one and, therefore, we are not inclined to interfere with the order passed by District Forum. The appeal is accordingly dismissed. Mr. Biswanath Rath, Member-I agree. Appeal dismissed. _____