

(2012) 07 NCDRC CK 0133

In the National Consumer Disputes Redressal Commission

Ganesh Babusingh Rathod

APPELLANT

Vs

Tulja Bhawani Jewellers

RESPONDENT

Date of Decision : 11-07-2012

Acts Referred:

Citation : 2012 0 NCDRC 345 : 2012 3 CPJ 568 : 2012 3 CPR 381

Hon'ble Judges : K.S.Chaudhari , Suresh Chandra J.

Judgement

1. THIS revision petition has been filed against the order dated 25.11.2011 passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai (in short, "the State Commission") in Appeal No. A/05/1820 by which order of the District Forum dismissing the complaint was upheld.

2. BRIEF facts of the case are that the petitioner/complainant purchased precious stone Pukhraj from the Respondent on 7.4.2000 and got it fitted in a gold ring. After using ring for many months, the petitioner tried to return it to the respondent and demanded price of the stone because he did not feel good influence/effect of the stone. Respondent refused to return money, hence, complaint was filed.

3. LEARNED District Forum dismissed the complaint against which appeal filed by the petitioner was also dismissed.

4. HEARD the petitioner and perused record.

5. THE petitioner has not placed any iota of evidence proving the fact that the respondent agreed to take back precious stone Pukhraj and return money, if the petitioner did not experience any positive/good effects of the stone. Admittedly petitioner purchased Pukhraj weighing 1.580 gm. (7 carat) for a meagre amount of Rs.2400/- and in this amount precious Pukhraj stone cannot be procured. As per GII Gemstone Report, this stone is Synthetic Cubic Zirconia. Apparently, there is no defect in Pukhraj stone purchased by the petitioner and learned District Forum has not committed any error in dismissing the complaint on this ground along with on the ground of limitation. Admittedly, stone was purchased

on 7.4.2000 and complaint was filed on 13.6.2002 beyond the period of 2 years which is not within limitation.

6. THE petitioner did not appear before the State Commission and the State Commission has not committed any error in dismissing the appeal on merits.

7. HENCE, the revision petition is dismissed in limine at admission stage with no order as to costs.