

(2003) 10 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

G.SUNIL KUMAR

APPELLANT

Vs

A.VENU

RESPONDENT

Date of Decision : 23-10-2003

Acts Referred:

Citation : 2005 1 CPJ 90

Hon'ble Judges : P.Ramakrishnam Raju , C.P.Suresh J.

Final Decision : Appeal dismissed

Judgement

1. THE opposite party in C.D. No. 297/2002 on the file of the District Forum, Nellore is the appellant.

2. THE case of the complainant is that he joined as a member in the chit for a sum of Rs. 2 lakhs payable in 50 monthly instalments of Rs. 4,000/- per month. THE chit period was completed by September, 2000. THE complainant handed over the chit book to the opposite party. THE appellant issued a cheque bearing No. SB/AG 728821 dated 19.10.2000 for a sum of Rs. 2,00,000/- but he requested the complainant not to present he cheque as there is no balance in his account. THE complainant went to the Bank several times and enquired about the balance in the appellant's account and found that there is no balance in his account. Hence he approached the District Forum. The District Forum found that there is deficiency in service on the part of the opposite party and directed him to pay an amount of Rs. 2 lakhs with interest at 18 per cent per annum from 19.10.2000 till the date of realisation within one month from the date of receipt of the copy of the order. Hence, the appeal.

He appellant contended that either himself or his father never conducted any chit fund business as contended by the complainant. It is also his contention that he never gave any cheque. Ex. A 1 is the cheque dated 19.10.2000 for Rs. 2 lakhs issued by the appellant in favour of the complainant. The District Forum compared the signature on the cheque as well as the signature in the counter and came to the conclusion that they are signed by the same person. Having issued the cheque admitting the liability the appellant now makes somersault to

wriggle out of the liability. The appellant could not have issued a cheque unless there is liability on his part as contended by the complainant. He has also not shown the circumstances explaining the necessity to issue such a cheque. The appellant, therefore, cannot walk away out of the liability by merely resorting to wholesale denial. Hence we do not find any ground to interfere with the order of the District Forum. The appeal, therefore, fails and is accordingly dismissed. Time for compliance six weeks. Appeal dismissed.