

(2001) 05 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

Hindustan Motors Ltd.

APPELLANT

Vs

MALWA ENGG. CORPORATION

RESPONDENT

Date of Decision : 24-05-2001

Acts Referred:

Citation : 2001 2 CPC 368 : 2001 2 CPR 79 : 2001 3 CPJ 13

Hon'ble Judges : D.P.Wadhwa , C.L.Chaudhry , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Appeal dismissed

Judgement

1. THIS first appeal has arisen out of the order dated 3.11.2000 passed by the State Consumer Disputes Redressal Commission, Madhya Pradesh directing the opposite party i.e., appellant in this appeal to change the parts, to do the complete over-hauling and repairs of the vehicle, in question, at Raipur and to pay compensation of Rs. 50,000/- for inconvenience which included the amount paid by the complainant for repairs.

2. THE facts of the case in brief are that the complainant had purchased a new Contessa Classic Diesel, Air-Conditioner fitted car for Rs. 4,69,348/- from M/s. Starline Automobiles, Mukhtiyar Ganj, Satna manufactured by M/s. Hindustan Motors Ltd. on 18.10.1996. On 11.3.1997 when the car was being driven to Jabalpur, it started giving rattling sound which defect was removed by the opposite party. In the third week of March, 1997 when the car was taken to Jamshedpur, the same defect re-appeared. THE car was taken to the opposite party for repairs and they on 18.3.1997 changed the bearing of the pinion and carried some repairs in the rear axle. While returning from Jamshedpur on 27.3.1997, this car again started giving same trouble and more rattling sound. THE opposite party changed certain parts. Again on various occasions whenever the car was taken out, it suffered from various defects. Even on repairs from time to time, the defects could not be removed. In these circumstances, the complainant approached the State Commission, Bhopal seeking directions to the opposite party to replace the car or alternatively refund of the cost of the car.

The matter was contested on behalf of the opposite parties. The defence set up by the opposite parties was that during the warranty period they had repaired the vehicle and the defects noticed after warranty period were not covered under the condition of sale. After considering the material placed on record and the relevant contentions of the parties, the State Commission allowed the complaint and directed the opposite party, M/s. Hindustan Motors Ltd. to change the parts, to do complete over-hauling and repairs of the vehicle at Raipur and to pay compensation of Rs. 50,000/- for inconvenience which included amount paid by the complainant for repairs. It was observed by the State Commission that from the material placed on record, it was well-established that the car, in question, starting giving trouble within a period of six months when the car had run only 3000 kms. to 9000 kms. The defects were detected in the engine and in the axle etc. The Service Engineer of the Central Automobiles, Raipur i.e., opposite party No. detected the defects and gave a report that the car required massive repairs. The State Commission also observed that the defects were manufacturing defects and required a massive service, over-hauling in steering, differential, suspension, 2 tail crown pinion, propeller shaft, brake pedal etc.

We have heard learned Counsel for the appellant. The learned Counsel urged before us that the State Commission was wrong in holding that the defects were manufacturing defects and required massive service.

3. WE have perused the order of the State Commission and have examined the material placed on record. WE find that the State Commission has elaborately discussed the material placed on record and the finding recorded by the State Commission is based upon and supported by the relevant material. WE find no legal infirmity in the order passed by the State Commission which may call our interference. However, the learned Counsel for the appellant also contended that the State Commission wrongly awarded compensation of Rs. 50,000/-. WE have also considered this aspect of the matter. WE find that the award of compensation of Rs. 50,000/- by the State Commission for inconvenience which included the amount paid by the complainant for repair is justified in the facts and circumstances of the case. The car started giving trouble from 11.3.1997 and had to be repaired a number of times. It was the case of the complainant that while returning from Agra on 4.4.1997 when the car was 20 kms. away from the Gwalior, the brake system failed and the accident took place, the car was taken to Gwalior and a repair was done by the opposite party No. 7 and he paid Rs. 27,000/- for repairs. WE are of the opinion that award of Rs. 50,000/- for inconvenience and cost of repair is not excessive. This contention is also repelled. As a result thereof, we find no merit in this appeal. Accordingly, it is dismissed. Appeal dismissed.