

In the National Consumer Disputes Redressal Commission

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title deed was not traceable. It was only during the pendency of complaint on 25. 1. 2005, the appellant handed over the title deed to the Counsel of the respondent. Complaint filed by the respondent claiming compensation on ground of inordinate delay in returning title deed was contested by the appellant by filing written version. It was denied that in alleged distress sale of property, the respondent had suffered the alleged loss. It was, however, admitted that there was some delay on the part of appellant in returning the original title deed to the respondent. On evaluation of evidence, the State Commission returned the finding that respondent had failed to establish that it was a distress sale and respondent financially suffered the loss as alleged. However, while holding the appellant deficient in service in returning the title deed after more than a year, the Commission observed: "we fail to see why immediately after the loan is discharged or within a reasonable time thereafter Financial Institutions do not return the original title deeds. Their saying that the documents are not traceable is totally unacceptable. There must be some method by which they should be able to locate the documents and return them to the consumers promptly. There is clear deficiency in service on the part of the opposite party under this head. The non-returning of the original title deeds would have definitely caused mental agony to the complainant. She had to answer the purchasers as to why the original documents were not available. The stand of the opposite party that if only she had brought the said Mr. Sudhakar before them they would have convinced him not to insist on the original documents and that they were trying to trace the documents and that they would give the documents to him as soon as they were traced, cannot at all be accepted. It is rather preposterous on the part of the opposite party to expect the borrower who has discharged her liability to parade the prospective purchaser before them so that they would convince them that everything was well with the title as the original title deeds were with them. The attitude of the opposite party should change. It is high time that they began having concern for the interest of the consumers at large. Because of the inaction, inefficiency and indifference on their part the consumers are made to suffer. "

In support of the contention that respondent was informed of the tracing out of original title deed, Mr. Vipin Nair for the appellant has invited our attention to the letter dated 9. 6. 2004 (copy at page 32) and para No. 7 of the written version filed before the State Commission. Letter dated 9. 6. 2004 addressed to the respondent notices that the title deed has been traced and is ready for release and the respondent should intimate the address on which it could be dispatched by registered post. Though this letter is referred in said Para No. 7 of the written version but it does not find mention in the order of State Commission. Respondent alleges that the loan was repaid on 30. 12. 2003 but the title deed was handed over only on 25. 1. 2005 to her Counsel during the pendency of complaint. Respondent's legal notice dated 10. 2. 2004 was replied by the appellant by the letter dated 5. 3. 2004 wherein it was mentioned that the title deed was not traceable. Assuming that the respondent was intimated of the title

deed being traced out by the said letter still, there was delay of more than 5 months in tracing it out. Appellant was aware of the address of respondent and the title deed could have been dispatched to her by post still delivery thereof was delayed upto 25. 1. 2005 by the appellant. We are entirely in agreement with the reasoning, extracted above, given by the State Commission in awarding amount of Rs. 2. 00 lakh as compensation to the respondent. There is no legal infirmity in State Commission's order calling for interference under Section 21 (a) (ii) of the Consumer Protection Act, 1986. Appeal is, therefore, dismissed. Appeal dismissed.