

(2002) 12 NCDRC CK 0076

In the National Consumer Disputes Redressal Commission

Krishna Mohan

APPELLANT

Vs

CHIEF GENERAL MANAGER, STATE BANK OF INDIA

RESPONDENT

Date of Decision : 19-12-2002

Acts Referred:

Citation : 2003 3 CPJ 572 : 2004 1 CPC 353

Hon'ble Judges : D.P.S.Choudhary , C.R.Venkataraman J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is preferred by the complainant against the order dated 16.3.1998 passed by District Forum, Patna in Complaint Case No. 204/1994 dismissing the complaint petition. The brief fact of the case is that complainant filed the case against the Bank O.P. for refund of the two TDRs No. FO-84906 for Rs. 3,000/- dated 13.5.1976 and another C-796463 for Rs. 3,000/- dated 29.3.1975. The complainant had deposited the aforesaid two TDRs with the O.P. on 15.9.1979 and obtained a loan of Rs. 4,500/- against them. The complainant deposited the entire amount of the loan on 14.1.1986 and thus the loan amount stood fully deposited. These facts are not in dispute by the O.P. respondent. The further case of the complainant is that these two TDRs were not returned to him in spite of the correspondence with the O.P., the last one is dated 20.11.1992. Thereafter he was compelled to file the case before the District Forum. It is also the case of the complainant that on 15.1.1986 he again received the two TDRs mentioned above. After receipt of the two TDRs he again deposited the same on 4.2.1986 with the Bank with an application to renew the same for ten years period. The application of the complainant was signed by the then Branch Manager who had received the two TDRs but neither the TDRs were deposited in the Bank for further ten years nor they were returned back to the complainant nor the maturity amount of the TDRs were paid to him.

2. THE Bank O.P. denied this part of the contention of the complainant and submitted that these two TDRs matured hence they were returned to the complainant who received the same under his signature. THE complainant never

deposited these two TDRs on 4.2.1986 for a further term of ten years as alleged. THEREfore, the disputed point in between the party is, whether the two TDRs were again deposited with the Bank for a period of ten years or not ? From the impugned order it is clear that the District Forum has held that these two TDRs had been returned to the complainant against his acknowledgement under full signature on 15.1.1986 itself and the photostat copy of the same has been filed by the Bank O.P. along with his show cause. The District Forum relied upon the acknowledgement receipt and held that there is nothing on record to show that these two TDRs were again deposited with the Bank for a further period of ten years on 4.2.1986 and hence dismissed the claim of the complainant. We have carefully scrutinised the material available on the record and the impugned order. The contention of the complainant that these two TDRs were given to one Sri. U.K. Sharan, the then Branch Manager on 4.2.1986 have not been supported by any reliable evidence on record. In view of the denial by the Bank that they were not deposited with the Bank it was a duty of the complainant to prove this fact beyond all reasonable doubt. Then Branch Manager, U.K. Sharan has not been made party by the complainant. Therefore, the District Forum has rightly held that in absence of any evidence for the deposit of the two TDRs with the Bank the claim of the complainant cannot be allowed. We do not find any reason to interfere with this finding of the District Forum.

In the result, there is no material in this appeal which is accordingly dismissed. The impugned order is confirmed. However, there shall be no order as to cost. Appeal dismissed.