

(2003) 05 NCDRC CK 0092

In the National Consumer Disputes Redressal Commission

LALCO ENTERPRISES

APPELLANT

Vs

Union Bank of India

RESPONDENT

Date of Decision : 23-05-2003

Acts Referred:

Citation : 2003 2 CPC 568 : 2003 3 CPJ 42

Hon'ble Judges : D.P.Wadhwa , Rajyalakshmi Rao , B.K.Taimni , K.S.Gupta J.

Final Decision : Revision Petition dismissed

Judgement

1. IT is the complainant who is the petitioner before us in this Revision Petition. His complaint for alleging deficiency in service by the respondent Bank was allowed by the District Forum. Both the complainant and the Bank filed 2 separate appeals before the State Commission. Appeal of the Bank was dismissed on the ground of delay in filing and the appeal filed by the complainant was also dismissed. IT is the complainant who has come before us against the order of the State Commission dismissing his appeal.

2. COMPLAINT was that the complainant informed the Bank about loss of his cheque book but by that time 25 cheques had already been encashed of the value of Rs. 2,24,680/-. The Bank informed the complainant of this fact immediately on getting the intimation from the complainant. The police report was also filed and an FIR was registered and investigations conducted. It is difficult for us to go into details regarding criminal investigation and arrest of certain persons except to note that the complainant approached the District Forum for claiming the amount of Rs. 2,24,680/- of which value the cheques were encashed. He also claimed interest. The question that arose before the District Forum was about the authenticity of the signatures of the withdrawal of the cheques. It was difficult for District Forum to go into the question of genuine signatures on each and every cheque and to get the report from the handwriting expert from either side. However, District Fourm found that there was certainly discrepancy of 2 cheques and amount of those cheques was Rs. 18,320/-. It was on this account that complaint was partly allowed and Bank was directed to pay

Rs. 18,320/- with interest thereon @ 15% p.a. and Rs. 2,000/- was also awarded as cost to the complainant. Aggrieved by this order of the District Forum, complainant filed an appeal before the State Commission where the appeal was dismissed. Still feeling aggrieved, complainant has come before us. After examining the whole aspect of the matter, we feel that District Forum was rather generous to the complainant that had awarded the amount of two cheques. Since the Bank is not before us, we do not say anything on this subject. We do not find it a case where we should exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. The Revision Petition is dismissed. Revision Petition dismissed.