
(1993) 04 NCDRC CK 0062

In the National Consumer Disputes Redressal Commission

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

APPELLANT

Vs

CHANDIDAS HARIBHAU CHOTHAWA

RESPONDENT

Date of Decision : 21-04-1993

Acts Referred:

Citation : 1994 1 CPJ 111

Hon'ble Judges : G.G.Loney , Elipe Dharma Rao J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal arises out of the order of the District Forum, Nanded dated 17.3.92 passed in Complaint No. 42/91. The complaint was filed by the respondent alleging deficiency in the service of the opposite party. Admittedly, the complainant was travelling in the bus owned by Maharashtra State Road Transport Corporation on 26.9.89. According to the complainant, the bus was parked at Malegaon at 1.00 p.m. about 40/ 45 ft. behind the schedule bus stop. The complainant alleged that when he was passing behind the bus the gunny bag bundles were thrown from the top of the bus which failed on his body which caused the fracture to his right leg and he became unconscious. The complainant further alleged that he had to be hospitalised for the treatment and claimed Rs. 60,000/- towards compensation for his loss suffered by him as a result of negligence in the service of the opposite party.

2. THE District Forum recorded the evidence of both the parties and after appreciation of evidence came to the conclusion that there was negligence on the part of the opposite party inasmuch as the conductor of the bus was negligent in supervising the off-loading luggage from the top of the bus. THE District Forum therefore, awarded Rs. 29,200/- as compensation to the complainant. We have heard Shri Lokesh, Advocate for the appellant and Shri Y.K. Yeotikar, Advocate for the respondent.

Both the learned Advocates also filed written note of their arguments. On behalf of the appellant, it has been contended by the appellant that the District Forum had no jurisdiction to decide the case since moment the passengers got down

from the bus, they ceases, to be the consumer. The submission made on behalf of the appellant the State Transport Corporation is not only ridiculous but far from the reality. The complainant who travelled in the appellant's bus and got injured the moment he got down from the bus as a result of the negligence in the supervision of the Conductor of the Bus who admittedly has been the employee of the appellant. Another contention raised by the appellant is that the complainant filed the complaint to the police after some delay and, therefore, the complaint should be rejected. In our view, this submission also is a strong submission to which we do not agree.

3. THE District Forum has elaborately and very convincingly discussed the entire evidence tendered on behalf of the appellant and has properly appreciated the same. Under these circumstances, we are not inclined to interfere in the finding of the District Forum which is based on reasonable and cogent reasons. Hence, we find that there is no substance in any of the submissions made by the appellant and hence, the present appeal is liable to be dismissed, Hence, we pass the following order: ORDER The appeal stands dismissed. Appeal dismissed.