(1998) 04 NCDRC CK 0053

In the National Consumer Disputes Redressal Commission

MANTRI VEERA MALLAIAH — APPELLANT

Vs

BANK MANAGER CENTRAL CO-OPERATIVE SOCIETY BANK — RESPONDENT

Date of Decision : 24-04-1998

Acts Referred:

Citation : 1998 3 CPJ 24 : 1999 1 CPC 115 : 1999 1 CPR 51

Hon'ble Judges : S.Parvatha Rao , T.Ranga Rao , Mamata Lakshmanna J.

Final Decision : Appeal dismissed

Judgement

1. THE appellant questions the order of the Nalgonda District Forum dated 20.2.1997 in C.D. No. 91 / 1994 dismissing the C.D. for default observing that the appellant was not present and that the respondent was present.

2. THE appellant contends that the District Forum ought to have allowed the complaint as prayed for and that he could not attend the hearing of the C.D. before the District Forum because he did not, admittedly, receive the notice dated 16.1.1997 informing him about the next date of adjournment. THE District Forum observed that the notice was returned unserved with the postal endorsement that the petitioner was not in the house. But it is not incumbent on the District Forum to inform the complainant appearing in person every time when the matter is adjourned and it is for the complainant to ascertain and find out the next date of hearing. THE appellant has not stated anywhere about the efforts made by him to ascertain the dates of hearing of his matter. THE National Commission had clarified the position stating that it was for the parties appearing to find out the next date of hearing and that it was not obligatory on the part of Tribunals under the Consumer Protection Act, 1986 (''the Act'' for short) to inform the parties every time the matter was adjourned. In M/s. Vinay Motor Company v. Garib Singh Narang, III (1993) CPJ 318 (NC), the National Commission has held that "a duty is cast upon a party to find out about the progress of his case particularly when it is fixed or a certain date", and that "in such circumstances a psarty cannot be permitted to sit at home and await receipt of fresh notice of hearing of his case". As the appellant took the ground

that the District Forum ought to have allowed the complaint as prayed for, we have gone through the complaint of the appellant before the District Forum, a copy of which has been furnished by the learned Counsel for the appellant. The appellant sought directions from the District Forum to the opposite party Bank to write off the loans due from him on the basis that the Government of Andhra Pradesh had issued a G.O. to the effect that the agricultural loans need not be paid to the Banks if the loan amounts did not exceed Rs. 10,000/-. On that basis the appellant claims a right to have his admitted loans waived and makes a grievance that the Bank/ inspite of the said G.O., was insisting that the amounts borrowed from it by him should be repaid.

We find that the dispute sought to be raised by the appellant/complainant is outside the jurisdiction of the Tribunals under the Act because the appellant is not a recipient of any service in that regard for any consideration going from him to the Bank. Even assuming that writing off loans of agriculturists is a mode of service to be rendered by the Banks to their customers, that service is not for any consideration received by the Bank from its customers.

3. IN the circumstances, we are of the view that the complaint itself is not maintainable before the District Forum. The appeal is/ therefore, dismissed. No costs. Appeal dismissed.