(1992) 03 NCDRC CK 0029

In the National Consumer Disputes Redressal Commission

MOHIT BHATNAGAR — APPELLANT

Vs

Bank of India — RESPONDENT

Date of Decision : 26-03-1992

Acts Referred:

Citation : 1992 2 CPJ 408 : 1993 1 CLT 178

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the order of 15th April, 1991 rendered by the State Commission of Delhi holding that the allegations made by the complainant against the Bank alleging deficiency in rendering service to the former are baseless and without any merits. It was found that the allegation made against the Bank and its employees were frivolous and hence the State Commission rejected the complaint. In fact, the State Commission felt constrained to remark that the complainant had wasted valuable time of the State Commission by bringing before them such a complaint for which there was no justification. Therefore, they burdened the complainant with costs of Rs. 1,000/-.

2. THE appellant herein, who was complainant before the State Commission had, alongwith his wife, on 27th September, 1987, taken a locker from the respondent Bank which could be operated on "either or" basis. According to the appellant, on that date, he and his wife had kept all jewellery etc. in the said locker. On the 10th February, 1988 the appellant''s wife left the marital home. Because of the break- down of the marriage the appellant filed a petition for divorce on the 1st of September, 1988.

He advised the Bank on the 9th October, 1988, to change the operating instructions of the locker hired by them and also sought information about the dates on which the said locker was operated upon by the appellant''s wife.

3. ACCORDING to the appellant, a reply was not furnished promptly to this communication by the Bank. The Bank furnished the information belatedly in

May, 1989 that the locker had been operated by his wife, Mrs. Sangeeta, on the 3rd July, 1988. The short point of the appellant is that, as a hirer of the locker, he had asked for information regarding the operation of the locker by the co-hirer, i.e., his wife, and that due to the unjustified. and prolonged delay in furnishing the information bers suffered irreparable loss and injury to their reputation and harassment

4. FROM the narration of facts it would be evident that the locker had been operated by his wife on 3rd July, 1988, i.e., well before October 9, 1988 when he tried to change the operating instructions to the Bank. Consequently, a prompt reply by the Bank could not have prevented the removal of the contents of the locker by his wife on a previous date. So any deficiency in respect of sending a reply on the part of the Bank co uld not have caused the alleged loss of jewellery etc. to the appellant. Another question that needs to be considered is whether the delay in reply by the Bank led to any avoidable harassment of the appellant and his relatives by the police. It is seen form the Order of the State Commission that the appellant''s sister was arrested on the basis of the First Information Report No. 287/88 under Sections 406 and 498-A I.P.C. and he himself had to obtain anticipatory bail. While obtaining the bail he had stated that the locker had been operated by his wife. It would, therefore, be abundantly clear that there is no evidence whatsoever that the appellant had suffered harassment because of the failure of the respondent Bank to furnish information asked for him in his letter of 9th October, 1988. We consider that the appellant, as one of the co-hirers of the locker, was entitled to receive information about the operation of the locker and such information should have been furnished by the Bank promptly. The Counsel for the respondent Bank could not explain why this was delayed considerably. There was no justification on the part of the Bank for keeping this matter pending by making a reference on this point to the head office. But the facts do not disclose any avoidable loss or injury having been caused to the appellant by this lapse on the part of the Bank.

5. THE appeal, therefore, is dismissed and the order of the State Commission is confirmed. We agree with the State Commission that the appellant has abused the machinery of the Consumer Protection Act, 1986. Appeal dismissed.