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**(2014) 05 NCDRC CK 0119**

**In the National Consumer Disputes Redressal Commission**

Rakesh Kumar Goutam

APPELLANT

Vs

General Manager South East Central Railway

RESPONDENT

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**Date of Decision :** 16-05-2014

**Acts Referred:**

**Citation :** 2014 0 NCDRC 270 : 2014 2 CPJ 634

**Hon'ble Judges :** K.S.CHAUDHARI , B.C.Gupta J.

**Advocate :** MOHDANIS UR REHMAN

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**Judgement**

1. THIS revision petition has been filed by the petitioner against the order dated 11.04.2013 passed by the Chhattisgarh State Consumer Disputes Redressal Commission, Pandri, Raipur (in short, "the State Commission ") in Appeal No. FA/12/513 - General Manager, South East Central Railway Vs. Rakesh Kumar Goutam by which, while allowing appeal partly, order of District Forum allowing complaint was modified.

2. BRIEF facts of the case are that complainant/petitioner was travelling on berth number 49 -50 in sleeper Coach No. S -7 of Train No. 8204 on 5.4.2010 from Banda to Bilaspur. He put his suitcase below the berth and tied it with the chain and locked which was stolen by someone. The suitcase contained gold ornaments weighing 9 tolas, new clothes and Rs.15,000/- cash. Report was lodged with GRP Bilaspur and legal notice was also given to OP/respondent. Alleging deficiency on the part of OP, complainant filed complaint and claimed Rs.1,25,000/- towards value of stolen items and Rs.10,000/- towards mental harassment. OP/respondent resisted complaint and submitted that Railway cannot be held responsible for the articles which the complainant was carrying at his own risk as articles were not booked with OP and prayed for dismissal of complaint. Learned District Forum after hearing both the parties allowed complaint and directed OP to pay Rs.1,25,000/- and Rs.500/- for mental harassment and Rs.1,000/- as cost of litigation. Appeal filed by the OP was partly allowed by learned State Commission vide impugned order and order of District Forum was modified to the extent that OP will pay Rs.25,000/- instead

of Rs.1,25,000/ - against which, this revision petition has been filed. Heard learned Counsel for the petitioner at admission stage and perused record.

3. LEARNED Counsel for the petitioner submitted that inspite of proof of loss of goods to the extent of Rs.1,25,000/ -, learned State learned Commission committed error in reducing the amount awarded by District Forum; hence, revision petition be admitted.

4. PERUSAL of record reveals that complainant has not filed any cash memo or receipt relating to purchase of jewellery or clothes and has substantiated his claim only by his affidavit. Learned State Commission rightly reduced amount of compensation, as no other document in support of the claim was filed by the complainant before the District Forum. Learned State Commission rightly observed that learned District Forum committed error in awarding amount claimed and rightly modified order of learned District Forum. We do not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed at admission stage.

5. CONSEQUENTLY , revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.