(2001) 07 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

Ramesh Chandra Saxena APPELLANT

Vs

KASHINATH SETH BANK RESPONDENT

Date of Decision : 11-07-2001

Acts Referred:

Citation : 2002 1 CPJ 122

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 10.12.1993 passed by District Consumer Forum, Shahjehanpur in Complaint Case No. 1001/93.

2. BRIEFLY stated the facts of the case are that the complainant deposited a sum of Rs. 60,000/- in Fixed Deposit Scheme with the opposite party Kashi Nath Seth Bank Limited. It was provided that upto 75% loan can be advanced from the Fixed Deposit after pledging the F.D.R. The appellant applied on 11.10.1993 for encashment of Rs. 45,000/-. This cheque was refused by the Bank on the ground that Reserve Bank of India have issued some instructions because of which cheque cannot be encashed. The complainant is not concerned with the internal working of the Bank and his cheque was not encashed with the result the complainant had to suffer mental torture during the marriage of his daughter. The complainant, therefore, claimed Rs. 2 lacs as compensation also. The opposite party in its written version alleged that on account of directions of R.B.I. the amount in question could not be credited.

The District Forum after considering the facts and circumstances of the case came to the conclusion that no case of complainant is made out and had, therefore, dismissed the complaint.

3. AGGRIEVED against the order passed by District Forum the complainant has come in appeal before this Commission challenging the correctness of the judgment and order passed by District Forum, Shahjehanpur. None was present even though that the notices were issued to the parties.

4. A perusal of the file of the case goes to show that complainant had opened a Fixed Deposit Account for Rs. 60,000/- and applied for Rs. 45,000/- as loan. He gave a cheque for encashment of Rs. 45,000/- which was refused by opposite party. According to the case of the opposite party, the Bank could not make the payment on account of directions of Reserve Bank of India as R.B.I. has issued certain guidelines in these matters. As such it cannot be said that there is deficiency in service on the part of opposite party. Thus we find that the order and judgment passed by District Forum is perfectly correct and do not call for any interference. The appeal is liable to be dismissed. ORDER The appeal is dismissed and the judgment and order dated 10.12.1993 passed by District Forum, Shahjehanpur, are confirmed.

5. LET copy as per rules be made available to the parties. Appeal dismissed.

