

(2008) 02 NCDRC CK 0055

In the National Consumer Disputes Redressal Commission

Regional Transport Officer

APPELLANT

Vs

GEORGE THATTIL

RESPONDENT

Date of Decision : 12-02-2008

Acts Referred:

Citation : 2008 4 CPJ 242

Hon'ble Judges : K.R.Udayabhanu , Valsala Sarangadharan J.

Advocate : Paraniyam Devakumar

Judgement

1. -THE appellants are the opposite parties, the RTO, Trissur and the State of Kerala. The order appealed against is the direction to pay a sum of Rs. 5,000 to the complainant as compensation and Rs. 1,500 as cost.

2. IT is the case of the complainant that complainant who is an Insurance Investigator that he applied the RC particulars of KL7-5424 for submitting the report with respect to the claim by the owner of the vehicle, entrusted by the Insurance Company. He remitted Rs. 50 as fees on 9. 8. 2005. Till the date of complaint he did not receive the RC particulars. He had sought for a compensation of Rs. 10,000. The opposite parties have filed a joint version admitting the application for the RC particulars. The delay is explained as follows:

The vehicle was registered before the Registering Authority at Emakulam and subsequently the ownership of the vehicle was transferred in favour of the person living within the jurisdiction of additional Registering Authority, Thrissur. The particular register was handed over to Kudumbasree Unit for day entry work. It is also mentioned that the office of the Ist opposite party was handed over PWD and for about one year the office building was in the custody of PWD and in the meantime the office was functioning at the top floor of the civil station. The office records were not properly arranged. It is mentioned that subsequently on 7. 8. 2006 the RC particulars were sent to the complainant by registered post.

3. THE evidence adduced consisted of the proof affidavit of the complainant and Exts. P1 and P2 i. e. , the receipt of remittal of Rs. 50 and the copy of the

registered letter dated 27. 1. 2006. It is contended by the appellant that there is no proper evidence as to loss sustained by the complainant. We find that there is delay of exactly one year in furnishing the particulars. It is specifically mentioned in the Ext. P2 registered notice that the claim is pending with the Insurance Company for want of the particulars for the report to be submitted by the complainant. The delay of 1 year, we find, has not found properly explained. The complainant who has filed proof affidavit was not cross-examined. No evidence was adduced at the instance of the opposite parties. It is only on 7. 8. 2006 after the filing of the complaint that the particulars were sent to the complainant from the R. T. O. office. Evidently there is deficiency in service. It cannot be believed that the entire documents for about one year was entrusted with the Kudumbasree unit without keeping the copy of the same. The delay as already mentioned is of one year. The same indicative of the difficulties faced by the complainant. The amount ordered as compensation is only reasonable. We find no interference is called for. The appeal is dismissed. Appeal dismissed.