(2005) 10 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

Registrar Civil Courts Sambalpur APPELLANT

Vs

Kishore Chandra Behera RESPONDENT

Date of Decision : 04-10-2005

Acts Referred:

Citation : 2005 4 CPJ 500 : 2006 1 CPR 15

Hon'ble Judges : R.K.PATRA , SUBASH MAHTAB J.

Judgement

1. THE order of the District Forum directing the appellant to pay the arrear taxes in respect of the vehicle bearing No. OIS 3939 and to handover all documents relating to the vehicle including the R.C. book to the respondents together with compensation of Rs. 5,000 and cost of Rs. 1,000 is under challenge in this appeal.

2. THE Registrar of the Civil Court, Sambalpur is the appellant. The respondent No. 1 filed the complaint against the appellant and respondent No. 2, R.T.O., Sambalpur alleging deficiency in service on the part of the appellant. Briefly stated his case is that the appellant published tender notice dated 4.7.2002 for auction sale of the vehicle OIS 3939. Pursuant to the notice, respondent No. 1 gave his bid. His bid being the highest, the vehicle was sold in his favour in the auction. He accordingly took delivery of the vehicle on due payment. In the tender notice, it was not indicated that there was outstanding road tax against the vehicle from April, 1994 to June, 2002. After taking delivery of the vehicle, he spent money to utilise it. He approached the appellant several times for the R.C. book and transfer of ownership of the vehicle, but the appellant did not take any steps and remained silent. Finding no other way, he filed the complaint. The appellant despite service of notice, did not appear before the District Forum. The respondent No. 2 also did not appear in the District Forum. It is an undisputed fact that on payment of the auction money, the respondent No. 1 took delivery of the vehicle. The appellant, therefore, should have returned the R.C. book to him for change of ownership, but he did not do so. The appellant also suppressed the fact that there was outstanding road tax in respect of the vehicle from April, 1994 to June, 2002. Had this been indicated in the tender notice, the respondent

No. 1 might not have offered his bid and purchased the vehicle in the auction. Unless the arrear road tax is paid, the ownership is not transferable. From the above facts, we have no hesitation to hold that the appellant is guilty of suppression of facts and has caused not only financial loss but also showered mental agony and harassment to the respondent No. 1. He is no doubt guilty of committing deficiency in service.

3. IN the result, we uphold the order of the District Forum and dismiss the appeal with cost assessed at Rs. 2,000 (two thousand). Mr. Subash Mahtab, Member -I agree. Appeal dismissed. -