
(1999) 08 GAU CK 0033
In the Gauhati High Court
Case No : Consumer Appeal No. 91 of 1998

Sanatan Sharma	Vs	APPELLANT
Nasiruddin Ahmed		RESPONDENT

Date of Decision : 14-08-1999

Acts Referred:

Citation : (1999) 3 GLJ 553

Hon'ble Judges : J.N.Sarma, J and D.Dutta, J

Bench : Full Bench

Advocate : S.K.Goswami , R.L.Yadav, Advocates appearing for Parties

Judgement

J. N. Sarma, President.

1. This is an appeal against the exparte judgment dated 4.8.96 passed by the learned District Forum at Nalbari in Consumer Case No. 9 of 1998. The entire judgment is quoted below :

?Order

Dated 4.8.98: Case taken up in exparte hearing. Petitioner is examined and SA Document marked Ext I case prima facie proved. The case is decreed exparte with cost which we assess at Rs.200 Now opposite party No. 1 and 2 jointly and severally are to pay the matured amount within one month from today failing which the amount shall carry an interest @20%PA.

Sd/illegible, President District Forum, Nalbari?

2. This appeal has been filed by appellant Sanatan Sharma against whom order for compensation has been passed jointly and severally. An application was filed to vacate that exparte order which was rejected vide order dated 26.10.98. Hence this appeal.

3. We have heard Mr. SK Goswami, learned counsel for appellant and Mr. RL Yadav, who appeared on request as Amicus Curiae. None appears on behalf of

respondentcompany.

4. From our experience, we have seen that there is mushroom growth Small Savings and Investment Company through out the whole of State of Assam and after collecting the money, most of them have left State of Assam placing the gullible investors in trouble. That is what also happened in this particular case. The company is not in existence in Assam and in the complaint petition the address which was given is at Siliguri, Darjeeling and a copy of the complaint petition was given to the appellant. But the letter of appointment which has been produced before us categorically states in para. 4 as follows :

?4. That this appointment does not authorise you to collect any money on behalf of the company. All remittance are to be made direct to the Registered Office of the company by subscribers themselves. The company shall not be responsible for any money unless and until the same actually reaches the Registered Office of the company.?

5. It is the further case of the appellant that he did not collect any money from the complainant. The money was directly paid by the wife of the complainant. It may be stated herein that the wife of the complainant is the agent of the company.

6. In view of that matter, we do not find any justification, to rely on present appellant. Accordingly, this appeal shall stand disposed of with the decision that the award/compensation shall be payable by the Small Savings and Investment Co Ltd, Hill Cart Road, Siliguri 734401, Darjeeling.