

(1997) 06 NCDRC CK 0055

In the National Consumer Disputes Redressal Commission

Shaik Rahim

APPELLANT

Vs

MANAGER, STATE BANK OF INDIA

RESPONDENT

Date of Decision : 09-06-1997

Acts Referred:

Citation : 1998 2 CPC 694 : 1998 2 CPJ 394 : 1998 3 CPR 237

Hon'ble Judges : A.Venkatarami Reddy , J.Ananda Lakshmi , K.Ranga Raos J.

Final Decision : Appeal dismissed

Judgement

1. THE complaint CD 233/94 was filed by three complainants. THE 1st complainant is the daughter-in-law of late Saidabi and complainants 2 and 3 are daughters of late Saidabi. THE late Saidabi during her life time pledged the gold ornaments with the opposite party No. 1 for a sum of Rs. 10,000/-. After the death of the said Saidabi, the complainants discharged the loan amount and claimed return of gold ornaments. THE 1st opposite party requested the complainants to produce a Succession Certificate and that unless such certificate is produced, they cannot return the gold ornaments. THE District Forum found that it cannot be said that the complainants alone are entitled to receive the gold ornaments as legal representatives. It, therefore, held that the opposite party No. 1 rightly asked the complainants to produce Succession Certificate and as the complainants did not produce the same, the District Forum held that there is no deficiency of service on the part of opposite parties and directed the complainants to approach Civil Court to obtain succession certificate and after production of the same before the opposite parties, they can claim return of the gold ornaments.

2. AGGRIEVED by the said order, this appeal is preferred by the complainants. We cannot say that there is any deficiency of service on the part of opposite parties in insisting on production of Succession Certificate by the complainants, as under the Muslim Law, it cannot be said that they are only the legal heirs. Hence, we do not see any demerits in the order passed by the District Forum. In the result, the appeal is dismissed. There shall be no order as to costs in this

appeal. Appeal dismissed.