

(1999) 04 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

S.K. VERMA

APPELLANT

Vs

GENERAL MANAGER, TELEPHONES, LUDHIANA

RESPONDENT

Date of Decision : 29-04-1999

Acts Referred:

Citation : 1999 2 CLT 410 : 1999 3 CPJ 32 : 2000 1 CPC 182

Hon'ble Judges : A.L.Bahri , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal allowed

Judgement

1. S.K. Verma has approached this Commission in appeal challenging order of District Forum, Ludhiana dated May 14,1998 whereby his complaint was dismissed. He lodged the complaint before the District Forum with respect to non-functioning of the telephone No. 609057 installed at his residence in the name of his wife Indira Verma. In the complaint, it was specifically mentioned that he was potential user of the telephone and beneficiary. On an objection being raised that the complaint was not filed by the subscriber, Smt. Indira Verma and S.K. Verma had no written authority to file the complaint, the District Forum accepting the aforesaid objection, dismissed the complaint.

2. AFTER hearing representative of the appellant and Counsel for the Telephone Department, we are of the view that the approach of the District Forum in dismissing the complaint was not legally correct. As per Telephone Instruction No. 30-63/57- PHC dated March 7, 1958, a telephone is primarily for the use of the subscriber and for use of members of his family in case of residential connection. That being the position, the complainant S.K. Verma, being closely related to the subscriber was within his right to use the aforesaid telephone installed at his residence. Even otherwise he would be a consumer being a beneficiary of contract of hiring services by his wife of the Telephone Department. Such position has already been made clear in Appeal No. 285 of 1998, S.S. Sarna v. GM.T., decided on 15.3.1999. Hence it is held that the complaint filed by Mr. S.K. Verma is maintainable. For the reasons recorded above, this appeal is allowed. Order of the District Forum is set aside. Case is

remanded to the District Forum for fresh decision according to law. Parties are directed to appear before the District Forum on 31.5.1999. A copy of the order alongwith District Forum records be sent there promptly. Appeal allowed.