
(1990) 09 NCDRC CK 0011

In the National Consumer Disputes Redressal Commission

S.N.KASHYAP

APPELLANT

Vs

RAJA REDDY

RESPONDENT

Date of Decision : 11-09-1990

Acts Referred:

Citation : 1991 2 CPJ 363

Hon'ble Judges : R.G.Desai , K.R.Ramaswamy Iyengar , Sudha V.Reddy J.

Final Decision : Appeal dismissed

Judgement

1. THE appellant states that the roof is leaking. THE respondent states that he has not been paid the charges at the rate of Rs. 38/- per Sq. M. and if he pays at that rate he is prepared to rectify the defect in the water proofing. THE respondent is directed to take the measurements of the area where he has done water proofing and to submit his Bill by 15.9.1990. THE complainant undertakes to pay the extra amount, if any as per the Bill before the Commission. THE Commission will pay the remaining amount to the respondent after the rectification is done by him to the satisfaction of the complainant. Call on 15.9.1990.

2. AFTER having agreed to the above mentioned terms, the appellant refused to sign the Order-sheet and stated that he would sign the order sheet after consulting his Advocate. This shows that he does not want to stick to the commitment he has made before us earlier. We have gone through the records. In the complaint the complainant has not at all stated that the roof is leaking. He has not lead any evidence before the District Forum to show that the roof where the water proofing was done by the respondent is leaking. The statement of the appellant that he hold to District Forum that the roof was leaking on the date of hearing cannot be accepted as there is nothing to support it in the records of the District Forum. Hence, the complainant has failed to prove that the water proofing work done by the respondent to the roof of his house is defective. If that is so, the order of the District Forum dismissing the complaint is proper and we see no valid ground to interfere with the same.

In the result, the Appeal is dismissed. No order as to costs. Appeal dismissed.