

(1995) 09 NCDRC CK 0022

In the National Consumer Disputes Redressal Commission

State Bank of India

APPELLANT

Vs

JUGMINDER SINGH ANAND

RESPONDENT

Date of Decision : 04-09-1995

Acts Referred:

Citation : 1995 3 CPJ 490 : 1996 1 CPC 268 : 1996 1 CPR 92 : 1996 2 CLT 652

Hon'ble Judges : M.R.Agnihotri , S.Kulwant Singh J.

Final Decision : Appeals allowed

Judgement

1. THIS order shall dispose of First Appeal Nos. 550 & 551 of 1994 filed by the State Bank of India against Jugminder Singh Anand and Smt. Rajindra Anand & another, respectively, as common question of law involved in both the appeals is, as to whether District Forum, Yamuna Nagar possessed the territorial jurisdiction to try the complaints of the respondents against the State Bank of India, New Issues Division, Sector 17-B, Chandigarh and M/s. Nagreeka Exports Ltd., Calcutta.

2. BRIEF facts of the case are not in dispute, as the Complainants in both these cases applied for 100 shares of M/s. Nagreeka Exports-respondent No. 2 and sent their applications on 10th of January, 1994 alongwith stock invert to the State Bank of India, Chandigarh-respondent No. 1. According to the Complainants, even though the applications were received by the State Bank of India on 11th of January, 1994, the same were returned to them on 4th of February, 1994. Thereupon the Complainants approached the District Forum, Yamuna Nagar for claiming compensation of Rs. 20,000/- each, alleging the negligence on the part of the State Bank of India, Chandigarh as their applications had been returned wrongly. In the written statements filed by the respondents, preliminary objection had been raised that District Forum, Yamuna Nagar lacked the territorial jurisdiction as it was Consumer Forum, Chandigarh alone which had possessed the necessary jurisdiction to try the complaint. However, the learned District Forum, Yamuna Nagar placing reliance on a decision of the State Commission, U.T. Chandigarh reported as Parvesh Kumar v.

Institute of Correspondence Studies, Himayat Nagar, Hyderabad, 1993 C.P.C. 63, took the view that District Forum, Yamuna Nagar did have the jurisdiction. On that basis the complaints have been allowed and the Complainants have been awarded damages for Rs. 500/- in each case.

In the appeals filed by the State Bank of India, learned Counsel for the appellant vehemently contended that the aforesaid judgment relied upon by the District Forum did not apply to the facts and circumstances of the present case. In that case, a student had sent the tuition fee from Chandigarh to the Institute of Correspondence Studies, Himayat Nagar, Hyderabad for importing instruction through correspondence by sending reading material periodically and by conducting the examination at Chandigarh. Since the Institute or Correspondence Studies failed to send practical lessons and other reading material, as also to conduct examination at Chandigarh, the State Commission of Union Territory Chandigarh, rightly came to the conclusion that there was certainly deficiency in service on the part of the Institute of Correspondence Studies in not conducting the examination at Chandigarh.

3. AFTER hearing the learned Counsel for the parties, we find merit in the contention of the learned Counsel for the appellant, as we are of the considered view that District Forum, Yamuna Nagar did not have territorial jurisdiction to entertain the complaints before it. If the respondent No. 2-M/s. Nagreeka Exports Ltd; Calcutta or their agents State Bank of India, Sector 17-B, Chandigarh-Opposite Party-appellant failed to render necessary service to the Complainants-respondent, they should have approached the Union Territory District Forum at Chandigarh, and not at Yamuna Nagar. In view of the aforesaid position, we allow the appeals, set aside the orders of the learned District Forum, Yamuna Nagar and dismiss the complaints with no order as to costs. Appeals allowed.