

(1996) 09 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

SUDHA C.S.

APPELLANT

Vs

POST MASTER GENERAL, G.P.O.

RESPONDENT

Date of Decision : 20-09-1996

Acts Referred:

Citation : 1997 1 CPR 492 : 1997 2 CPJ 519 : 1998 1 CPC 132

Hon'ble Judges : P.K.Shamsuddin , K.Balakrishnan Nair , K.M.Latha J.

Final Decision : Appeal allowed with costs

Judgement

1. THIS appeal is directed against the order passed by the District Forum, Thiruvananthapuram, in O.P. No. 539/1994. The complainant is the appellant.

2. THE admitted facts in the case are as follows : THE complainant's husband sent money to the complainant by Speed Post Money Order on 28.1.1994 from Supreme Court Speed Post Counters, New Delhi. THE complainant did not receive the amount. A representation was made to the speed post counter at Thiruvananthapuram and New Delhi also and ultimately a suit notice was sent on 12.7.1994. On 21.7.1994 a letter dated 19.7.1994 was received by the complainant from the Senior Superintendent of Post Offices, Thiruvananthapuram, stating that the matter is under enquiry. Finding that he did not get any relief the complainant filed a complaint on 16.8.1994. After filing of the complaint the Money Order was offered to the complainant on 14.9.1995. As the complaint as pending the complainant did not take payment and subsequently on 25.10.1995 the Money Order was paid. The District Forum found that there is default and long delay in delivering the Money Order but held in view of the immunity conferred by Section 6 of the Indian Post Office Act and absence of proof of wilful default, the complaint was liable to be dismissed.

Feeling aggrieved by the said order this appeal has been preferred.

3. WE have held in Appeal No. 330/1995 and other connected cases Speed Post is a special contract which does not come within the purview of the Section 6 of the Post Offices Act. Special consideration is paid to the department for that. The

department took about one year and 9 months to pay the amount to the complainant. The amount was sent by speed post as the complainant needed the money urgently. In the circumstances we direct the opposite party to pay Rs. 500/- as compensation. The complainant will also be entitled to the cost which we fix at Rs. 250/-. Appeal allowed with costs.