

(1992) 04 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

SUNIL THAPAR

APPELLANT

Vs

ALLAHABAD BANK

RESPONDENT

Date of Decision : 20-04-1992

Acts Referred:

Citation : 1992 3 CPJ 2 : 1994 1 CLT 115

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Advocate : A.M.Tiwari

Final Decision : Disposed Of

Judgement

1. NEITHER the appellant nor his Counsel is present when the case is taken up for hearing. The Counsel for the first respondent is present. We have gone through the records and also heard the Counsel for the first respondent. We have come to the conclusion that the order passed by the State Commission calls for modification only to the extent indicated below.

2. THE State Commission seems to be of the view that when a cheque is returned by a Bank on the ground that the signature therein does not tally with the specimen signature of the drawer which is on the records of the Bank, and a complaint is filed against such action of the Bank the matter has to be referred to a handwriting expert for the purpose of determining whether the action of the Bank was proper or not. In our opinion no such investigation is called for while disposing of such a complaint under the provisions of the Consumer Protection Act. THE question to be determined by the Forum under the Act is whether there was any deficiency in service or negligence on the part of the opposite party. THE Bank has the duty to compare the signature on a cheque presented to it for encashment with the specimen signature of the drawer available with it and in case it finds that the two do not tally it will have to refuse to honour the cheque. This scrutiny is primarily for safeguarding the interest of the account holder. If the verification was conducted in good faith and no negligence is made out, the decision of the Bank as regards the question whether the two signatures tallied cannot be assailed before the Consumer Redressal Forum. We accordingly hold

that the State Commission was not correct in its view that a detailed investigation as to the genuineness or otherwise of the signature contained in the cheque was called for and in referring the parties to the remedy by way of civil suit on the said ground. THE State Commission is directed to itself hear and dispose of the case confining the investigation to the other points, if any, arising in the case. For such adjudication, it is totally unnecessary to refer the parties to a Civil Court. We will, accordingly modify the Order of the State Commission and direct the State Commission to dispose of the case afresh on the merits in the light of the foregoing observations. THE parties will bear their respective costs. Order modified.