

(1999) 11 NCDRC CK 0073

In the National Consumer Disputes Redressal Commission

SURESH KUMAR

APPELLANT

Vs

G.S.CHAWLA

RESPONDENT

Date of Decision : 10-11-1999

Acts Referred:

Citation : 2000 1 CLT 443 : 2000 2 CPJ 505

Hon'ble Judges : J.B.Garg , P.K.Vasudeva , Devinderjit Dhatt J.

Final Decision : Appeal dismissed with costs

Judgement

1. THE complaint instituted by G.S. Chawla against Suresh Kumar, the contractor of the Parking Stand and against the Assistant Commissioner, Municipal Corporation, for price of motor car which was lost from the premises in possession of Suresh Kumar, the contractor. THE District Forum ordered on 5.5.1999 that Suresh Kumar, the contractor and Assistant Commissioner, Municipal Corporation, Notified Area Committee, Mani-majra, were jointly liable to pay compensation. In an appeal (Appeal No. 99 of 1999) decided by this Commission on 6th September, 1999, it has been held that there was one agreement between the Municipal Corporation and the contractor and altogether different between the contractor and the Municipal Corporation, who had come to a nearby cinema and his 1988 model Maruti motor car for a short spell of 2 to 3 hours was entrusted on a specific payment of Rs. 10/- and the contractor alone was deficient in failure for safe custody of the vehicle inasmuch as he collected the aforesaid charges from the complainant, G.S. Chawla. If Suresh Kumar (who was represented by his Lawyer), in this Commission was dis-satisfied he could attempt an appeal against the order of this Commission dated 6.9.1999. Another appeal described as First Appeal against the order dated 5.5.1999 of the District Forum, by Suresh Kumar, now attempted here, is not at all maintainable, notwithstanding the plea that he was allegedly proceeded against ex parte, in the District Forum, who decided the complaint on 5.5.1999. Consequently, this appeal/petition is dismissed with costs Rs. 300/-. Appeal dismissed with costs.