

(1996) 11 NCDRC CK 0049

In the National Consumer Disputes Redressal Commission

VIJAY KUMAR MOORTHY

APPELLANT

Vs

PRODUCT MANAGER, ELDER PHARMACEUTICALS LTD.

RESPONDENT

Date of Decision : 14-11-1996

Acts Referred:

Citation : 1997 1 CPJ 309 : 1997 2 CPR 47

Hon'ble Judges : David Annoussamy , A.Veerapandian J.

Final Decision : Complaint returned

Judgement

1. THIS is a complaint seeking compensation for loss.

2. THE complainant is a Doctor. His allegations are as follows: He bought sealed packets of Foltene (Trichosaccharide) from the opposite party No. 2, the same being manufactured by the opposite party No. 1. That product was advertised as one which will improve scalp micro circulation and was therefore recommended for the treatment for loss of hair. He found that one of the vial contained an insect. He found also that he obtained no result whatsoever by applying the medicine. He doubted the efficacy of the product. On the basis of the above allegations he prayed the following compensation: (a) for personal injury Rs. 5 lakhs, (b) for mental distress and agony Rs. 70,000/- and (c) special damages Rs. 30.000/- totalling Rs. 6,00,000/-. Prima facie it appears that the complainant has inflated the amount of compensation claimed. As per Section 14 of the Consumer Protection Act, 1986, this Court can order to the other party to replace the goods or to return the price thereof. In addition to that there may be compensation for loss or injury if in addition negligence is alleged and proved.

The injury is described as loss of hair instead of stimulation of growth of hair expected. The compensation for such an injury is estimated by the complainant at Rs. 5 lakhs. He adds to it Rs. 70.000/- for mental distress and agony. The complainant who is a doctor does not disclose what was the mental distress and agony he suffered. He adds to it Rs. 30.000/- as special damages, for which there is no provision in the Act, and for which reasons are not also disclosed.

3. THEREFORE, taking advantage of the fact that there is no Court-fee this complainant has inflated the amount of claim for the purpose of short circuiting the District Forum. This has the effect of disturbing the normal distribution of cases between the various redressal bodies created under the Consumer Protection Act, 1986. Further, it deprives the opposite parties of a right of appeal locally before the State Commission. For the above reasons, the complaint cannot be entertained by this Commission. Hence, the complaint is returned to the complainant, who can file it before the District Forum after computing the compensation properly, if he is so advised. Complaint returned.