**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT MAHABUBNAGAR**

**CONSUMER COMPLAINT NO. \_\_\_\_\_\_of 2023**

**IN THE MATTER OF:**

Mohammad Jahangir

S/o Mohammad AbdulAAziz, aged 69 years,

Occupation: Retired govt. Employee,

H.No.14-4-154/3,

Shivashakthinagar,

Mahabubnagar town and district.

...Complainant

Versus

1. The Commissioner,

Town Municipality,

Mahabubnagar.

1. Mohammad Mathin,

S/o Mohammad Jahangir, aged 38 years,

Occupation: Business,  
H.No.4-1-154/3,

Shivashakthinagar,

Mahabubnagar town and district. ...Opposite Parties

COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT

MOST RESPECTFULLY SHOWETH:

1. The address of the Complainant for the purpose of service of summons, notice, etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. Herein the above-named Complainant most respectfully submits as under,
4. That the Complainant is a retired government employee residing at the address mentioned above and the Opposite Parties' addresses are correctly shown above within the jurisdiction of this Hon'ble Commission. The complainant is a consumer of the services of the opposite party as he has legitimate expectation that once his wife died the property would be transferred in the name of the legitimate legal heir.
5. That the Complainant had purchased a residential plot no. 73 admeasuring 150 sq yards situated at Sy Nos. 260, 263 and 264 at Christianpally Sivar, Mahabubnagar vide registered sale deed dated 20.07.2009 in the name of his wife Smt. Shaheda Begum.
6. That the Complainant constructed a residential house over the said plot utilising his retirement benefits and named the house in his wife's name. The municipal authorities allotted house no. 14-4-154/3 to the said house.
7. Unfortunately, Smt. Shaheda Begum expired on 02.01.2015 leaving behind the Complainant, Opposite Party no.2 and six daughters as her legal heirs.
8. That the Complainant approached the Opposite Party no. 1 on 27.01.2020 for mutation of the said house in his name by way of legal heirship. However, to his shock, the Complainant learnt that the said house already stood mutated in the name of Opposite Party no.2.
9. That upon enquiry, the Complainant learnt that the Opposite Party no.2 had forged and fabricated a gift deed falsely showing it to be executed by Smt. Shaheda Begum in his favour and also obtained false no objection affidavits from his sisters. The Opposite Party no.2 had produced the fabricated gift deed and no objection affidavits before the Opposite Party no.1 and got the house mutated in his name illegally and unlawfully.
10. That the Complainant made several oral and written requests to the Opposite Party no.1 to undo the illegal mutation and restore the house in the name of Smt. Shaheda Begum. However, the Opposite Party no.1 failed to take any action.
11. That the Complainant states that the act of the Opposite Party no.2 in forging documents and the act of Opposite Party no.1 in mutating the house without verifying the documents amounts to gross deficiency in service on their part.
12. That due to the illegal acts of the Opposite Parties, the Complainant has suffered immense mental agony and hardship.
13. That the Complainant has incurred an expense of Rs. 50,000\_ so far in pursuing this complaint.

**CAUSE OF ACTION**: Cause of action arose on 27.01.2020 when the Complainant approached the Opposite Party No. 1 for getting the house no. 14-4-154/3 mutated in his name upon the demise of his wife Smt. Shaheda Begum, but learnt that the said house already stood mutated in the name of Opposite Party No. 2 based on forged and fabricated documents.

**JURISDICTION**: The amount of loss incurred for the deficiency in service provided by the opposite party is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.

**COURT FEE:** That the Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

**EVIDENCES**:

Ex.A-1: Photostat copy of Online Application Acknowledgement, dt.27-01-2020.

Ex.A-2: Photostat copy Application issued by the complainant, dt.02-01-2020.

Ex.A-3: Photostat copy of Application issued by the complainant, dt.11-09-2020.

Ex.A-4: Office copy of Registered Sale Deed, dt.20-07-2009.

Ex.A-5: Photostat copy of Notice issued by OP-1, dt.23-11-2020.

Ex.A-6: Photostat copy of Notice issued by OP-1, dt.23-11-2020.

Ex.A-7: Photostat copy of Notice issued by OP-1, dt.17-08-2020.

**PRAYER**:

In the circumstances stated above, the Complainant prays that the Hon'ble Commission may be pleased to:

a) Direct the Opposite Party no.1 to cancel the existing mutation of house no. 14-4-154/3 and restore the same in the name of Smt. Shaheda Begum.

b) Direct the Opposite Party no.1 to subsequently mutate house no. 14-4-154/3 in the name of the Complainant being the legal heir of Smt. Shaheda Begum.

c) Award compensation of Rs. 2,00,000/- for mental agony and hardship suffered by the Complainant.

d) Award cost of litigation amounting to Rs. 50,000/- incurred by the Complainant.

e) Pass any other order as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

Place: Mahabubnagar (Signature)

Date: Complainant

Verification

Herein I, Mohammad Jahangir, do hereby state on solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular and the same are found to be true and correct to the best of my knowledge, belief and information.

MAHABUBNAGAR Complainant

/0 /2024

DRAFTED AND PRESENTED BY

ADV. XYZ