**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT MAHABUBNAGAR**

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

**IN THE MATTER OF:**

A. Balavardhan Reddy

S/o A. Ram Reddy,

Aged 35 years,

Occ: Private Employee

R/o H.No.1-21, Yellareddypalle Village,

Koilkonda Mandal, Mahabubnagar District.

...Complainant

Versus

S. Govaradhan Reddy

S/o Narayan Reddy,

Aged 53 years,

Occ: Business

R/o Suraram Village, Koilkonda Mandal,

Mahabubnagar District,

Presently residing at:

Code No.13, H.No.3-3-5/81/C/1/C,

Srinagar Colony, Ramanthapur, Hyderabad.

...Opposite Party

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

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,

1. That the Complainant and Opposite Party are related to each other and the Opposite Party started a chit business at Mahabubnagar. The Opposite Party approached and requested the Complainant to join as a chit member.

2. The Complainant joined as a chit member in a Rs. 5,00,000/- chit and the Opposite Party allotted Ticket No.3, Series A1 in the Rs. 5,00,000/- chit with duration of 25 months and monthly contribution of Rs. 20,000/-. The chit commenced in October 2015 and ended in October 2017.

3. That the Complainant regularly paid the monthly subscriptions upto the 25th month i.e. October 2017 and the Opposite Party issued receipts in the name of the Complainant. As the Complainant has paid the last monthly subscription, he requested the Opposite Party to pay the chit amount of Rs. 4,75,000/- after deduction of 5% commission.

4. That the Opposite Party kept postponing the payment on various pretexts like daughter's marriage, financial constraints etc. and only in August 2020, executed a Promissory Note for Rs. 7,50,000/- towards chit amount alongwith interest @24% p.a. from November 2017 to August 2020 with a promise to repay in 3 months.

5. That despite repeated requests, the Opposite Party failed to make the payment as per the Promissory Note and as per his commitment. This amounts to unfair trade practice and cheating the Complainant.

6. That due to the acts of commission and omission by the Opposite Party, the Complainant has suffered huge mental agony and financial loss.

7. That the Complainant finally approached the Opposite Party in the month December 2020 when the Opposite Party finally refused to pay.

8. Hence the complainant has approached the hon’ble court for the redressal.

**CAUSE OF ACTION:**

The cause of action arose in October 2017 when the opposite party fail to make the payment of the chit fund money and then it arose in December 2020 when the Opposite Party failed to make payment of the due chit amount of Rs. 4,75,000 as per the Promissory Note executed by him in August 2020. This amounts to deficiency in service and unfair trade practice on the part of the Opposite Party.

**JURISDICTION:** The consideration amount is less than 50 Lakhs and the complainant resides within the jurisdiction of this Hon'ble Court, also the opponent’s business of Chit Fund is situated within the jurisdiction of this Hon'ble Court. Hence this Hon'ble Court has got 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.

**EVIDENCE:**

* Receipts showing payment of monthly chit installments (Ex. A-1)
* Promissory Note for Rs. 7,50,000 executed by Opposite Party in August 2020 (Ex. A-2)
* Affidavit of Complainant (PW-1)

**PRAYER**

In view of the facts and circumstances stated above, it is most humbly prayed that this Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to pay a sum of Rs. 4,75,000/- towards chit amount vide Chit No. A1, Ticket No. 3 along with interest @ 24% p.a. from August 2020 till payment of the amount;

b) Direct the Opposite Party to pay a sum of Rs. 2,00,000/- towards compensation for mental harassment and agony caused to the Complainant;

c) Direct the Opposite Party to pay Rs. 50,000/- towards cost of the complaint;

d) Pass any other order(s) as deemed fit in the interest of justice.

.

Place: Mahabubnagar Complainant

Date: Through Counsel

Verification:

I, A. Balavardhan Reddy, S/o A. Ram Reddy, Aged 35 years, Occ: Private Employee R/o H.No.1-21, Yellareddypalle Village, Koilkonda Mandal, Mahabubnagar District.

Complainant, do hereby verify that the contents of paras 1 to 8 are true to my personal knowledge and belief.

Verified at Mahabubnagar on this \_\_\_\_\_\_\_day of February 2023.

Complainant