DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION MADURAI

C.C.No…../……

IN THE MATTER OF:

Mr. A. Sivanupandian,

S/o Arumugam,

Age:35

Occupation: Teacher

D.No. 136, North Street,

Sinkikulam, Nanguneri Taluk,

Tirunelveli District, Tamil Nadu.

.....Complainant

Versus

The Station Manager,

Srilankan Airlines Limited,

Madurai Airport, Madurai

.....Opposite Party

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

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,

The Complainant most respectfully submits as follows:

1. The Complainant is a resident of Sinkikulam, Tirunelveli District, Tamil Nadu. The Opposite Party is the Station Manager of Srilankan Airlines Limited having its office at Madurai Airport, Madurai.
2. The Complainant travelled from Colombo to Madurai on 15.08.2017 through flight no. UL139 operated by the Opposite Party airline. His ticket details are: E-ticket no. 6034996832446, Seat no. 29E.
3. The Complainant had checked in one bag weighing approximately 8 kgs containing various items like clothes, food items, chocolates, dry fruits, dry fish, honey etc. purchased during his tour, worth around Rs. 2,00,000/-.
4. On arrival at Madurai airport on 15.08.2017, the Complainant found that his checked-in baggage was not delivered and reported missing. Despite waiting for over two hours and informing the airport authorities, his baggage could not be traced.
5. The Complainant immediately lodged a complaint regarding the missing baggage with the Opposite Party and also got a Property Irregularity Report (PIR) issued wherein the details of the lost baggage were recorded.
6. The Complainant sent multiple emails on 17.08.2017, 18.08.2017 and 20.09.2017 to the Opposite Party following up on the status of his missing baggage, but received no satisfactory response.
7. The Complainant issued a legal notice dated 08.12.2017 to the Opposite Party regarding the deficiency in service and loss caused to him, but the Opposite Party failed to make good the loss or compensate him.
8. That the loss of the Complainant's baggage containing valuables worth Rs. 2,00,000/- shows gross negligence and deficiency in service on part of the Opposite Party. Despite repeated follow ups, the Opposite Party has failed to deliver the baggage for over 5 years now.
9. That the Complainant has suffered immense mental agony, harassment, hardship and monetary loss due to the gross negligence of the Opposite Party.

**CAUSE OF ACTION:**The cause of action arose on 15.08.2017 when the complainant's checked-in baggage was not delivered on arrival at Madurai airport and continues till date since the airline has failed to compensate the complainant despite follow ups and legal notice.

**TERRITORIAL JURISDICTION:** The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

**PECUNIARY JURISDICTION:** The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

**COURT FEE:** Requisite Court fee as contemplated is paid on this Complaint.

**EVIDENCE:**

* E-ticket details: E-ticket no. 6034996832446, Seat no. 29E, for the flight UL139 on 15.08.2017.
* Baggage Contents: Description of contents, valued at Rs. 2,00,000/-.
* Property Irregularity Report (PIR): Copy issued by Opposite Party.
* Complaints: Copies of complaints and follow-up emails.
* Legal Notice: Copy dated 08.12.2017 regarding deficiency in service.
* Correspondence: Copies of responses from Opposite Party.
* Proof of Purchase: Receipts for items in baggage.
* Duration: Records showing non-delivery for over 5 years.

**PRAYER**

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

a) Direct the Opposite Party to pay a sum of Rs. 2,00,000/- towards the value of the lost baggage and contents thereof;

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

c) Award cost of this Complaint to the Complainant;

d) Pass any other relief as this Hon'ble Commission may deem fit and proper in the interest of justice.

**VERIFICATION:-**

I, Mr. A. Sivanupandian, S/o Arumugam, D.No. 136, North Street, Sinkikulam, Nanguneri Taluk, Tirunelveli District, Tamil Nadu do hereby solemnly affirm that the facts stated above in paras 1 to 9 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**