

National Consumer Disputes Redressal

Peerless General Finance And ... vs Sunaina Devi And Anr. on 27 June, 2007

Equivalent citations: 1 (2008) CPJ 469 NC

Bench: K G Member, P Shenoy

ORDER K.S. Gupta, J. (Presiding Member)

1. Petitioner No. 1, Branch Manager and petitioner No. 2, Regional Manager of Peerless General Finance and Investment Co. Ltd., Kolkata (for short the 'Company') were opposite party Nos. 1 and 2. Respondent No. 1/complainant on 17.3.1994 took a 10 Years Welfare Endowment Certificate from the company, the yearly premium being Rs. 1,000. Respondent No. 1 alleged that though she had paid all 10 instalments, still amount of Rs. 14,000 as endowment sum and Rs. 3,500 as guaranteed bonus were not paid by the company. Complaint filed by respondent No. 1 seeking certain reliefs was contested by the company. It was alleged that respondent No. 1 had deposited only Rs. 7,000 of seven instalments upto the year 2002 and it was due to default in making payment of three instalments that lesser amount of Rs. 11,548 was offered by the company to her. The District Forum disbelieved this plea about only seven instalments being paid and directed the petitioner to pay the maturity value of 17,530 together with Rs. 25,000 by way of compensation for mental agony and cost to the respondent No. 1 vide order dated 28.4.2006. In appeal filed by the company, the State Commission also did not believe the defence taken by the company in regard to respondent No. 1 having paid only seven instalments. State Commission while disposing of the appeal vide order dated 18.4.2007 has only reduced the amount of compensation from Rs. 25,000 to Rs. 10,000. It is this order which is being challenged in this revision by the company.

2. Submission advanced by Mr. Tapan Kumar Datta for petitioner whom we have heard on admission, is that it was not the case of respondent No. 1 as pleaded in the complaint that amount of three instalments was remitted through money orders. He invited our attention to the order dated 26.3.2007 of the State Commission whereby respondent No. 1 was directed to file the postal receipts of the money orders which respondent No. 1 did not file as also extract from the Register maintained by the company which showed that no amount by money order(s) was received from respondent No. 1. To be noted that respondent No. 1 was ex parte before the State Commission. Obviously, she was not aware of the said order dated 26.3.2007.

3. Undisputedly, though the company had filed written version but it did not adduce any evidence in support thereof. Said extract from a Register was filed before the State Commission and not connected in evidence. On appreciation of what was pleaded in written version and the evidence led by respondent No. 1 both the Fora below have discarded the stand taken by the company of respondent No. 1 having only paid seven out of 10 instalments. Amount of compensation was also reduced by the State Commission. We do not find any illegality or jurisdictional error in the order of District Forum as modified by the State Commission calling for interference in revisional jurisdiction under Section 21(b) of Consumer Protection Act, 1986. Accordingly, revision petition is dismissed.