

Jayakrishnan and Another Vs. K.R. Rajesh and Another

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Mar-01-2012

Judge : The Honourable Shri. Justice K.R. Udayabhanu President

Appeal No. : First Appeal No. A/11/360 (Arisen out of Order Dated 25/06/2010 in
Case No. CC/09/130 of District Alappuzha)

Appellant : Jayakrishnan and Another

Respondent : K.R. Rajesh and Another

Judgement :

JUSTICE SRI. K.R. UDAYABHANU : PRESIDENT

The appellants are the opposite parties in CC.130/09 in the file of CDRF, Alapuzha. The appellants are under orders to pay a sum of Rs.50000/- the amount required for getting the vehicle repaired and compensation of Rs.10000/-.

2. The case of the complainant is that he purchased a pre-owned car from the opposite parties with a Maruti True Value certification for a sum of Rs.2,43,500/-. According to him the vehicle was having serious problems thereafter.

3. The opposite parties have filed version contending that whatever repairs required were done. Subsequently the complainant took the vehicle to M/s Popular Vehicle and Services Ltd. It is alleged that the complainant has used the car in a

careless manner.

4. The evidence adduced consisted of the testimony of PW1, RW1; Exts.A1 to A12 and B1 to B5.

5. We find that the Forum has disposed of the matter by a cryptic order without considering the evidence adduced. Moreover there is no expert evidence in the matter also. In the circumstances the order of the Forum is set aside. The matter is remitted back to Forum. Forum is directed to disposed of the matter on merits for affording an opportunity to both sides to adduce any further evidence if they so desire.

6. The matter stands posted before the Forum on 18.4.2012.

Office will forward the LCR alongwith the copy of this order to the Forum.

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