

**C.J. Devassy Vs. T.V. Thomas and Another**

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**Court :** Kerala State Consumer Disputes Redressal Commission SCDRC  
Thiruvananthapuram

**Decided On :** Jan-31-2012

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

**Appeal No. :** First Appeal No. A/11/796 (Arisen out of Order Dated 20/08/2011 in Case No. CC/11/334 of District Ernakulam)

**Appellant :** C.J. Devassy

**Respondent :** T.V. Thomas and Another

**Judgement :**

**JUSTICE SHRI. K.R. UDAYABHANU : PRESIDENT**

The appellant is the first opposite party in C.C. 334/11 in the file of CDRF, Ernakulam. The appellant is under orders to pay a sum of Rs. 1,000/- towards costs.

The complaint is with respect to the excess amount claimed by the appellant for delivering the copies of Malayala Manorama daily to the complainant. The first opposite party had contended that there was arrears of subscription and also that he is not liable to serve the copies of the daily at the house of the complainant and that he is willing to provide the copies if the complainant comes to his office at Angamaly and collect the same.

The second opposite party/Deputy Manager, Malayala Manorama has filed version that the second opposite party has not authorized the agent to collect Rs. 15/- as additional service charges. The second opposite party had also published a notice in the daily informing the subscribers that they are not to pay any additional service charge as demanded by the agent.

The evidence adduced consisted of Ext. A1 to A4.

Evidently in view of the assertion by the printer and publisher of the daily that the agent is not entitled to collect any amount apart from the subscription charges, we find that the agent is not entitled to collect any additional charges. It is mentioned in the statement published by the Printer and publisher that for one newspaper the agent is given Rs. 32.45 per month and that nothing more than Rs. 121.20 the subscription charges is to be paid by the subscriber. Infact the second opposite party ought to have terminated the agency of the first opposite party. In the circumstances we find that there is no illegality in the order of the Forum. There is no scope for admitting the appeal.

The appeal is dismissed in limine.

The office will forward a copy of this order to the Forum.

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