

Postmaster General and Another Vs. Smt.Ayesha Haleema Kanndoth

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Sep-12-2011

Judge : The Honourable Shri. Justice K.R. Udayabhanu President & the
Honourable Mr. S. Chandramohan Nair Member

Appeal No. : First Appeal No. A/11/595 (Arisen out of Order Dated 29/06/2011 in
Case No. CC/11/105 of District Kozhikode)

Appellant : Postmaster General and Another

Respondent : Smt.Ayesha Haleema Kanndoth

Judgement :

JUSTICE SRI.K.R.UDAYABHANU : PRESIDENT

The appellants are the opposite parties/postal authorities in CC.105/2011 in the file of CDRF, Kozhikode. The appellants are under orders to pay a sum of Rs.5000/- as compensation and cost of Rs.1000/- with interest at 9% from the date of the order.

2. The matter is with respect to the loss of parcel containing precious material. According to the complainant she is proficient in playing the musical instrument called vichithraveena which is played by only few people and she had forward a parcel containing CDs of the TV interviews etc for considering her entitlement for a cultural award from the DravidianUniversity. The same was not received by the

addressee.

3. According to the opposite parties the article could not be traced. Opposite parties relied Section 6 of the Indian Post office Act that liability is limited to double the postal charges.

4. The evidence adduced consisted of the testimony of PW1;Exts. A1 to A11 and B1 to B6.

5. We find that the loss of the article as a consequence of willful or negligence act of any postal employee Section 6 will not be applicable. In the instant case the opposite parties/appellants could not locate the person or of the office on account of whose lapse the article was loss. Hence we find that it has to be presumed that it was on account of the negligent act of the employee of the opposite party that the article was lost. The opposite parties/appellants have not made any earnest effort to fix the responsibility. In the circumstances we find that there is no scope for admitting the appeal. The appeal is dismissed in limine.

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