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E.A.Mohanan Vs. the Manager, Sulthan Bathery Co-operative Urban Bank Ltd;

E.A.Mohanan Vs. the Manager, Sulthan Bathery Co-operative Urban Bank Ltd;

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Jun-18-2011

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

Appeal No. : First Appeal No. A/11/67 (Arisen out of Order Dated 30/01/2010 in Case No. CC/09/122 of District Wayanad)

Appellant : E.A.Mohanan

Respondent : The Manager, Sulthan Bathery Co-operative Urban Bank Ltd;

Judgement :

SHRI. K.R. UDAYABHANU, PRESIDENT

The appellant is the complainant in CC 122/09 in the file of CDRF, Wayanad. The Forum has directed the opposite party to pay a sum of Rs.2,000/- as compensation with interest at 10% from the date of the order of the Forum. Aggrieved by the said order the complainant has filed the appeal.

2. It is the case of the complainant that he had entrusted a cheque for a sum of Rs.6,425/- for collection with the opposite party on 4.6.09. The cheque was not encashed. Nothing was heard from the opposite parties. Subsequently, the complainant sent a lawyer notice to the opposite party. There was no reply. The

complainant has sought for the cheque an amount and Rs. 10,000/- as compensation.

3. It is the case of the opposite parties that the cheque was dishonored although it was sent for collection on 22.12.08 as the complainant did not turn up after presenting the cheque. The connected official asked the wife of the complainant to come over to the bank and collect the dishonored cheque. It is contended that the complainant is bound to come to the bank to collect the amount.

4. The evidence adduced consisted of the proof affidavit of the complainant and Exts.A1 and A2.

5. The complainant has filed proof affidavit mentioning that she has lost the cheque amount. Evidently, the opposite parties were bound to intimate the fact of dishonor of the cheque to the complainant. Hence, there is deficiency in service on the part of the opposite party. All the same, the complainant also ought to have enquired as to whether the cheque has been encashed. The direction to pay compensation of Rs.2,000/- appears on the lower side.

6. In the circumstances, the opposite party is directed to pay a sum of Rs.7,000/- to the complainant. The order of the Forum in this regard is modified accordingly. The complainant will be entitled for interest as ordered by the Forum below. The appeal is allowed in part as above.

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

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