

Gopidasan Vs. Ramakrishnan

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Sep-27-2010

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

Appeal No. : First Appeal No. A/10/487 (Arisen out of order dated 29/07/2010 in
Case No. CC117/O9 of District Palakkad)

Appellant : Gopidasan

Respondent : Ramakrishnan

Judgement :

JUSTICE SHRI.K.R.UDAYABHANU,PRESIDENT

The appellant is the opposite party who is under orders to pay a sum of Rs.5000/- as compensation and Rs.1000/- as costs.

2. The case of the complainant is that the opposite party had agreed to erect concrete rings in the well. After inspection of the well, it was informed that 14 rings are to be erected. The amount was fixed at Rs.15,400/-. The complainant paid Rs.10,000/- and subsequently, Rs.1,500/- by cheques. During the work, opposite party demanded higher amount. The complainant paid Rs.1,800/- .

The opposite party inserted 8 rings. He did not do the work properly. The rings inserted slipped towards one side and fell into the well. The same was occasioned on account of the defect in the works executed. The request of the complainant to rectify the defects went unheeded. The complainant in order to complete the work would require an amount of Rs.9000/-. He has claimed also a sum of Rs. 5000/- as compensation.

3. The case of the opposite parties/appellant is that the complainant made him believe that the well is having a depth of 17-18 kole and that there is no rock under neath. The well was filled with soil. The complainant had also told that labour charges will have to be paid in addition. While removing the soil the rings stipped down and settled on the sloppy rock. The complainant became violent and directed the opposite party to leave the place. Thereafter, a mediation was conducted and complainant agreed to pay Rs.6,000/- for completing the work. But the complainant did not allow him to complete the work.

4. The evidence adduced consisted of the proof affidavits filed by both sides and Exts.A1 to A4.

5. On a perusal of the order it appears that the appellant did not complete the work undertaken. Being an expert engaged in such works, it is for the appellant to fix the amounts exactly. Evidently, the appellant has left the work after executing it in part in a defective manner.

6. In the circumstances, we find that there is scope for admitting the appeal. Hence the appeal is dismissed in limine.

Office will forward the copy of this order to the Forum urgently.

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