

The Executive Officer Vs. Ravindran

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Court : Tamil Nadu State Consumer Disputes Redressal Commission SCDRC
Chennai

Decided On : Aug-26-2010

Judge : Honourable Thiru Justice M. Thanikachalam President, Tmt. Vasugi Ramanan Member I & Thiru. Sambandam Member II

Appeal No. : F.A.NO.99 of 2007 (Against the order in C.C.No.64 of 2006, on the file of the District Forum, Theni)

Appellant : The Executive Officer

Respondent : Ravindran

Judgement :

(The Respondent as complainant filed a complaint before the District Forum against the Appellant / opposite party praying for the direction to the opposite party to refund a sum of Rs.10000/- towards compensation. The District Forum allowed the complaint. Against the said order, this appeal is preferred praying to set aside the order of the District Forum dt.29.12.2006 in COP No.64/2006.)

M. THANIKACHALAM J, PRESIDENT (Open court)

1. The respondent in this appeal, as complainant approached the District Forum, as if Andipatti Special Village Panchayat has committed deficiency in service, since it failed to rectify the water taps, thereby causing mental agony, for which appropriate direction should be issued.

2. The opposite party, though served, failed to appear before the court, and without knowing what could be the defense of the opposite party, purely based upon the averments in the complaint alone, a direction came to be issued, as seen from the order dt.29.12.2006, directing the opposite party, that they should rectify the water pipes, in addition granting a sum of Rs.5000/- as compensation, alongwith cost of Rs.5000/-, with interest, which is under challenge.

3. Heard the learned counsels appearing on either side, perused the lower court records, as well as order passed by the District forum.

4. By going through the pleadings, we have entertained a doubt, whether the Consumer Forum has jurisdiction to decide this kind of case, though such plea has not been raised by the opposite party, since they have failed to contest the case, by filing written version before the District forum. Further for this kind of cases, ordering a sum of Rs.5000/-, even slapping interest on the cost, appears to be prima-facie not in order.

5. Be it as it may. In order to decide the dispute between the parties, on merit, for the purpose of meeting ends of justice, we feel, as rightly claimed by the learned counsel for appellant, which is not seriously challenged, an opportunity should be given to contest the case, by filing written version, for that purpose, the appeal deserves to be accepted.

6. In the result, the appeal is allowed, setting aside the order of the District Forum in C.C.No.64/2006 dt.29.12.2006, and the matter is remitted back to the District Forum Theni, for fresh disposal, according to law. The parties are directed to appear before the District Forum on 22.9.2010, on which date, the appellant/ opposite party shall file their written version positively. From the date of filing the written version, the District Forum is directed to dispose of the case, within two months, since the case has been filed elsewhere in the year 2006. There will be no order as to cost, in this appeal.

Registry is directed to handover the Fixed Deposit Receipt, made by way of mandatory deposit, to the appellant, duly discharged.