

F.V. Albin and Another Vs. the Assistant General Manager and Another

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Aug-12-2010

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

Appeal No. : First Appeal No. A/10/115 (Arisen out of order dated 23/01/2010 in Case No. CC 294/06 of District Kollam) & & 389/10

Appellant : F.V. Albin and Another

Respondent : The Assistant General Manager and Another

Judgement :

COMMON JUDGMENT

JUSTICE SHRI. K.R. UDAYABHANU, PRESIDENT

The appellant in Appeal 115/10 is the complainant and the appellant in Appeal 389/10 is the opposite party in CC.294/06 in the file of CDRF, Kollam. The complainant has filed the appeal contending that the denial of interest applicable to FD deposits up to the period of releasing the amount of fixed deposit and restricting the same up to October 1999 is liable to be set aside. According to him he is entitled for interest applicable to Fixed Deposits up to the date of releasing of the amount by the opposite party. The opposite party has filed the appeal pointing

out that the interest with respect to the fixed deposit was being credited in the SB account of the complainant and the same were being withdrawn by the complainant periodically. The above aspect was omitted to be pointed out before the Forum. It is contended that it would not be possible to pay further interest for the same period.

2. We find that the matter is with respect to the alleged denial of the request to release the fixed deposit amount of Rs.12,500/- which was originally deposited on 15.9.78 for 63 months. The opposite party applied general lien over the amount as a large sum was due from the complainant and OS.No.318/1982 filed by the opposite party for realizing the amount was pending at Sub Court, Kollam. The matter was finally settled on deposit of a sum of Rs.147.73 lakhs after writing off a considerable sum of amount. The Forum held that subsequent to the settlement in OS.No.318/1982 in October 1999 onwards. There is no justification for refusing to release the amount.

3. Evidently, the case of the opposite party that interest on the FD has been credited in the SB account and the same has been withdrawn by the complainant if true the order of the Forum would require re-consideration. So also the denial of interest applicable to fixed deposits for the period after settlement of OS.No.318/1982 has not been explained in the order of the Forum.

4. In the circumstances, the order of the Forum is set aside with respect to the interest awarded and the Forum is directed to reconsider the matter. Hence, the matter is remitted back to the Forum. The Forum will permit the parties to adduce further evidence if so they desire.

5. The case stands posted before the Forum on 29.10.2010.

The office will forward the LCR along with the copy of this order to the Forum urgently.

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