

Prabhakaran Vs. the Manager/Proprietor Angel Electronics, Palakkad

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : Jun-19-2010

Judge : The Honourable Smt.Valsala Sarangadharan Member & the
Honourable Shri. S. Chandramohan Nair Member

Appeal No. : First Appeal No. A/10/208 (Arisen out of order dated 25/02/2010 in
Case No. CC 81/09 of District Palakkad)

Appellant : Prabhakaran

Respondent : The Manager/Proprietor Angel Electronics, Palakkad

Judgement :

SMT.VALSALA SARANGADHARAN: MEMBER

The appellant is the complainant in CC.No.81/09 in the file of CDRF, Palakkad who are under orders to pay a sum of Rs.1000/- as compensatory costs to the opposite party.

2. It is the case of the complainant that he entrusted his defective TV set for repairs to the opposite party and it was delivered back after repairs. The grievance of the complainant is that the opposite party had not issued him the genuine bill and has not returned the replaced spare parts. The staff of the opposite party has issued only a repair slip and estimate. Hence the complainants sent a lawyer notice to which the opposite party sent reply stating untrue facts. Hence he filed

complaint before the Forum claiming a sum of Rs. 6500/- as compensation for unfair trade practice and for mental agony caused to him.

3. The opposite party filed version and contended that the complainant has no case that the TV set was not functioning after repairs. It is admitted that while doing out door repair the usual practice adopted by the opposite party is to deliver the job slip and estimate bill with the technician who inturn will give it to the customer. He further contended that he was ready to return the defective spare parts as well as the original bill and has stated the same in his reply notice also. But the complainant never approached the opposite party for the same. Hence there was no unfair trade practice on his part and prayed for dismissal of the complaint with compensatory costs.

4. We heard the learned counsel for the appellant/complainant and perused the relevant documents. Ext.A5, the reply notice given to the complainant would make it clear that the opposite party was ready to give back the changed parts and to issue the bill to the complainant and requested the complainant to take back the same from him. Instead of taking back the same he filed complaint before the Forum alleging unfair trade practice on the part of the opposite party.

5. We find that there is no patent illegality in the appreciation of evidence by the Forum. As to the entitlement the bill, the complainant could have received the same from the Forum below which was produced by the opposite party. It is observed that the complainant was not ready to accept the bill produced before the Forum especially in the circumstance that he has no complaints regarding the functioning of the TV. It seems that instead of settling the matter on receipt of the reply notice from the opposite party the complainant was bent upon prosecuting the matter before the Forum with the intention of harassing the opposite party. Moreover the opposite party had collected only Rs.980/- towards the repairing charges and there is no complaint about the repair effected by the opposite party. But the complainant claimed compensation of Rs.6500/- without any basis. It is further to be noted that the complainant is enjoying the television after its repair by the opposite party. Thus it can be seen that the complaint itself was filed with some ulterior motive. In fact there was no deficiency of service on the part of the

opposite party. The Forum below has rightly dismissed the complaint with compensatory costs. In the circumstance we find no scope for admitting the appeal.

In the result the appeal is dismissed at the admission stage itself.

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