

**Sunilkumar and Another Vs. Ravindran and Another**

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**SooperKanoon Citation :** [sooperkanoon.com/1110703](http://sooperkanoon.com/1110703)

**Court :** Kerala State Consumer Disputes Redressal Commission SCDRC  
Thiruvananthapuram

**Decided On :** Jan-18-2010

**Judge :** Justice Sri. K.R. Udayabhanu: President, Sri. M.K. Abdulla Sona: Member

**Appeal No. :** First Appeal No. 122 of 2007

**Appellant :** Sunilkumar and Another

**Respondent :** Ravindran and Another

**Judgement :**

JUSTICE SRI. K.R. UDAYABHANU: PRESIDENT

Appellants are the opposite parties in CC.199/2006 in the file of CDRF, Kollam. The appellants are under orders to pay a sum of Rs.16,353/- etc. to the complainant.

2. The matter relates to the alleged deficiency in service on the part of the appellants in not returning the amount paid by the complainant after the vehicle that belonged to the appellants were taken by the complainant allegedly giving Rs.25000/- as rent advance and Rs.1000/- as rental per day. The case is that on the first day itself the vehicle hit on a wall and that the appellants repaired the vehicle and got the amount reimbursed by the Insurance Company but did not return the amount paid by the complainant as advance. It is contended that the complainant is the uncle of the 1st appellant which is allegedly suppressed by the

complainant. The document produced which is the photocopy of the alleged agreement is denied by the appellants and it is contented the same is a fabricated one.

3.The evidence adduced consisted of PWs 1 to 3 DW1; Exts.P1 to P3, D1 and D2.

4. We find the matter has to be decided on the basis of appreciation of the evidence adduced in the absence of proper documents especially as Ext.P1 the alleged agreement is not signed by the opposite parties and the genuineness of the same is disputed. The Forum has not considered/discussed the evidence adduced at all. In the circumstance we find that the matter requires reconsideration as the judgment should reflect a proper discussion of the evidence adduced. There was no representation for the complainant/respondent also before this Commission. In the circumstance order of the Forum is setaside. The Forum is directed to issue notice to the complainant and dispose of the matter by a considered order.

The case stands posted before the Forum on 6.3.2010.

Office is directed to forward the LCR to the Forum urgently along with copy of this order.

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