

Sub Postmaster and Another Vs. Krishnankutty Kadavath

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : May-15-2008

Judge : Justice Sri. K.R. Udayabhanu: President, Smt. Valsala Sarangadharan:
Member & Sri. S. Chandramohan Nair: Member

Appeal No. : APPEAL NO. 19 of 08

Appellant : Sub Postmaster and Another

Respondent : Krishnankutty Kadavath

Judgement :

JUSTICE SRI. K.R. UDAYABHANU : PRESIDENT

The appellants are the opposite parties/postal authorities in OP 59/05 in the file of CDRF, Malappuram and under orders to pay a sum of Rs.2000/- as compensation and Rs.500/- towards cost.

2. The case of the complainant is that the postal article sent by the daughter of the complainant to the Readers Digest office did not reach the destination. The postal article was sufficiently stamped and properly addressed. She has sought for 50000/- as compensation as she could not participate in the bumper prize scheme conducted by the Readers Digest.

3. The contention of the opposite parties is that the OP is not maintainable as the complainant who is the father is not the aggrieved and hence not a consumer. Section 6 of the Indian Post Office Act is also relied on.

4. The evidence adduced consisted of the proof affidavit of the complainant and Ext.A1 and A2. No evidence at all was adduced by the opposite parties.

5. The Forum rejected the contention as to the non-maintainability finding that it is the petitioner who is looking after the affairs of his daughter and hence is a beneficiary and Section 2(d)(ii) is squarely attracted.

We find that there is no patent illegality in the order of the Forum. The evidence of the complainant vide proof affidavit filed that his daughter is living with him and that he is managing the affairs of his daughter stands unchallenged. Further no evidence has been adduced by the opposite parties to explain the non delivery of the postal article so as to attract the 1st part of Section 6 of the Indian Post Office Act. In the circumstance we find there is no reason to admit the appeal. Hence the appeal is dismissed in limine.

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