

Sushil Kumar Vs. Deepak Public College

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Jul-20-2004

Judge : J.D. Kapoor, President & Mr. Mahesh Chandra, Member

Appeal No. : Appeal No. A-73 of 1998

Appellant : Sushil Kumar

Respondent : Deepak Public College

Judgement :

J.D. Kapoor, President:

1. This appeal has been filed by the appellant assailing the order dated 13.1.1998 passed by District Forum-III, Janak Puri, New Delhi in Complaint Case No. 877/1997 - entitled Shri Sushil Kumar v. Deepak Public College.

2. There was an advertisement in the newspaper floated by the O.P. for a three days crash course of MCD Teachers Examination. The O.P. charged Rs. 25,000/- from the students. On the first day of class, which was held on 27.8.1994, the police raided the premises and arrested Cap. A.K. Singh along with Vijay Bhardwaj and Ramesh Dahiya on being found in possession of Hindi question paper of the said examination and thereafter no coaching was held. An FIR was also registered against the aforesaid persons.

3. The complaint of the appellant was dismissed by the District Forum vide impugned order solely on the ground that the appellant has failed to produce the receipt of Rs. 25,000/- paid to the O.Ps. inspite of the fact that the respondent was proceeded ex parte, the District Forum did not accept the statement made by the appellant by way of affidavit. The statement of the appellant on affidavit that he had paid Rs. 25,000/- to the respondent should have been accepted in the absence of any defence or denial and provided reasonable weight, in the light of arrest of the respondent and registration of case against the respondents who were found in possession of the Hindi question paper of the examination and inference of payment of Rs. 25,000/- should have also been drawn from the extremely short duration of three days crash course which projected fraudulent practice. The affidavit of the appellant coupled with the subsequent event of the respondent having been arrested by the police on being found in possession of the question paper should have been deemed sufficient to allow the complaint of the appellant.

4. In the result, the appeal is allowed and the impugned order passed by the learned District Forum is set aside with the direction to the respondent to pay Rs. 25,000/- to the appellant along with Rs. 5,000/- as compensation and Rs. 500/- as cost of litigation.

The present appeal filed by the appellant is disposed of in above terms.

Appeal allowed.

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