

Waheed Ahmed Khan Vs. Krishna Kumar

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Court : Andhra Pradesh State Consumer Disputes Redressal Commission
SCDRC Hyderabad

Decided On : Feb-04-1995

Judge : A. Venkatarami Reddy, President, the Honourable Mrs. J. Ananda Lakshmi, Member & the Honourable Mr. K. Ranga Rao, Member

Appeal No. : F.A. No. 78 of 1995

Appellant : Waheed Ahmed Khan

Respondent : Krishna Kumar

Judgement :

A. Venkatarami Reddy, President:

1. The respondent herein filed a complaint before the District Forum, Hyderabad claiming a sum of Rs. 50,000/- as compensation, as the opposite party who was engaged to cover the complainant's marriage ceremony by Video delivered defective tape in which only few minutes function was videographed.

2. The complainant's case is that on 25.5.1991, on request, the opposite party visited the residence of the complainant at Jambagh and B. Ramesh Babu has shown the venue of the marriage to the opp. party and the father of the complainant gave an advance of Rs. 300/- to the opposite party by taking a receipt Ex. A-I. The next day i.e. on 26.5.1991 the opp. party sent two assistants with Video camera to videograph the marriage. But when he delivered the cassette to

the complainant, most of the cassette was found to be blank, except the last portion of the function. This according to the complainant is due to opposite party not taking proper care to check up whether the Video camera is functioning properly or not or the assistants sent by him do not know how to properly cover the function. Due to the negligence of the opposite party, the complainant was deprived of re-experiencing the thrill and happiness of the marriage function for ever. Therefore, he claimed compensation of Rs. 50,000/- from the opposite party.

3. In the counter, the opposite party totally denied that he was engaged to videograph the marriage function, that he visited the complainant's house or the venue of the marriage or that he videographed the marriage.

4. On behalf of the complainant, the affidavits of complainant's father and that of B. Ramesh Babu, the brother-in-law of the complainant were filed and Exs. A-1 to A-4 were marked.

5. The opp. party got examined himself. In the chief examination itself he stated that the complainant came to his shop on the evening of 25.5.91 and asked him for a quotation for covering his marriage ceremony on the next day and he informed the complainant that the cost would be Rs. 800/- and he could arrange the coverage only if this services were engaged on the same evening and gave his visiting card Ex. A-4. He also admitted that the complainant took him to his house and introduced his father and he also told the father of the complainant that the cost of the coverage would be Rs. 800/-. The father of the complainant informed the opposite party that he would let the opposite party know the next morning. He further stated that on the next morning at about 9.30 or 10 a.m. Ramesh Babu came to his shop and asked him to cover the marriage ceremony. He informed Ramesh Babu that he did not have any staff member at his shop to make the coverage. But on the request made by Ramesh Babu to arrange for somebody he telephoned to one Shakeer who had a Video camera and asked him to cover the marriage if he was free for which he will get 5% commission. It was only on 28th or 29th of May, 1991 the complainant and Ramesh Babu came to his shop and paid Rs. 300/- to Shakeer and obtained a receipt Ex. A-1. But he admitted that Ex. A-1 was signed by him. In the cross-examination the opposite party stated that

Shakeer came to his shop 10 minutes of his telephoning him that five minutes were taken for arranging the deal and 15 minutes taken to the place of marriage and 2 or 3 minutes taken for setting the video camera and starting the coverage. He admitted on seeing the video tape played in the Court that the tape was blank except for few minutes of the function and one or two minutes for end of the marriage function.

6. The District Forum on a consideration of the material, came to the conclusion that the version of the complainant is true and directed payment of compensation of Rs. 5000/- and costs of Rs. 1000/-.

7. Questioning the aforesaid order, this appeal is preferred by the opp. party.

8. It is to be seen that the appellant/opp. party in his counter completely denied any knowledge or association with the marriage function. But in the witness box, even in the chief-examination he admitted that he went to the place of the complainant on 25.5.91 and spoken to his father, but the father of the complainant informed him that he would confirm the next day he returned to his shop. It is his further case that Ramesh Babu came to his shop on the next day at about 10 a.m. and that he arranged one Shakeer who is a Video camera to cover the marriage function. The District Forum held that even according to the version of the opp. party the bridegroom will be entering the marriage venue half an hour or one hour before the marriage and that the marriage procession must have been taken about 10 minutes for reaching the marriage function venue from Jambagh. But when a Videographer is engaged, he has to cover the function that will take place at the house of the bridegroom before starting the marriage and also the procession to the venue of the marriage. But according to the version of the opposite party, it was only at about 10 a.m. that Ramesh Babu came to his shop and it would have taken another half an hour for Shakeer to go to the marriage place. The District Forum rightly observed, if anybody wanted to engage a Videographer, they would arrange for it sufficiently in advance and it is not possible to believe the version of the opposite party that they were engaged on the very day of the marriage and when the marriage is about to be performed, and they would have gone to the shop of the opposite party for arranging video coverage of the marriage function.

9. Having regard to the material on record, we are satisfied that the opp. party in the first place denied all the allegations in the counter, subsequently he admitted having gone to the place of the complainant on the evening of 25.9.11 and having spoken to the father of the complainant and he also admits that having signed in the receipt Ex. A-I for a sum of Rs. 300/-.

In these circumstances, we are satisfied that the order of the District Forum, does not suffer from any infirmities.

10. In the result, the appeal is dismissed. No order as to costs.

Appeal dismissed.

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