

Ashok Kumar Vs. Managing Director, Maruti Udyog Ltd. and Others.

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Court : Bihar State Consumer Disputes Redressal Commission SCDRC Patna

Decided On : Aug-07-1992

Judge : B.N. Sinha, President, K.P. Sinha, Member & the Honourable Mrs. Justice Kalpana Ashok, Member.

Appeal No. : Appeal No. 112 of 1991

Appellant : Ashok Kumar

Respondent : Managing Director, Maruti Udyog Ltd. and Others.

Judgement :

B.N. Sinha, President:

1. This appeal is directed against the order dated 30.1.91 passed by the District Forum, Patna in complaint case No. 305 of 1991.

2. The appellant before this Commission was the complainant and respondent in this case was the opposite party before the District Forum. The complainant-appellant filed a complaint before the District Forum, Patna claiming compensation to the tune of Rs. 15,000/- on account of cost incurred by him for getting his Maruti vehicle repaired as well as for the losses suffered by him in not fulfilling his normal official and domestic duties to the non-working of his Maruti vehicle. The complainant-appellant also claimed interest @ 15% on the amount from the month of March, 1991 till the payment of the same. The opposite party-respondent filed written version of the case and it was mentioned therein that as the clutch plates

was badly handled, it was damaged for which the company was not liable to pay any compensation.

3. It appears from the impugned order that it was agreed between the parties that the O.P. would pay Rs. 600/- in all by 7.11.91 to satisfy the complainant without fail and the complaint was disposed of accordingly.

4. The present appeal has been filed against this order of the District Forum.

5. It is evident from facts stated above that the case was disposed of on the basis of agreement between the parties. The fact is mentioned in the impugned order but this fact has not been challenged in the memo of appeal filed by the appellant. Of course it is mentioned in the memo of appeal that M/s. Nilima Thakur, the learned Counsel for the respondent who appeared before the District Forum on behalf of the complainant accepted the cheque given by the opposite party respondent under protest on the ground that the complainant-appellant has not been fully compensated for the damage and loss suffered by him. But once the complainant-appellant had agreed to accept Rs. 600/- in all to satisfy him, the acceptance of cheque under protest does not any way help the complainant-appellant and he cannot be allowed to challenge the order passed by the District Forum on the basis of that agreement.

6. Mrs. Nilima Thakur, the learned Counsel for the appellant has very fairly conceded that the fact that the order made on the basis of the agreement between the parties cannot be disputed now as it had not been challenged in the memo of appeal.

7. In the result we find no merit in this appeal and the appeal is dismissed. There will be no order as to costs.

Appeal dismissed.

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