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Court : Kerala State Consumer Disputes Redressal Commission SCDRC Thiruvananthapuram

Decided On : Jun-02-2014

Judge : The Honourable Mr. Justice P.Q. Barkathali, President & the Honourable Mr. V.V. Jose, Member

Appeal No. : Revision Petition No. 19 of 2014 (Arisen out of Order Dated 08/04/2014 in Case No. of District Kollam)

Appellant : M.B. Ajith and Another

Respondent : M/S. Uco Bank Ltd. Rep by the Zonal Manager and Another

Judgement :

P.Q. Barkath Ali : President

This is a Revision Petition filed by the complainants in an unnumbered complaint on the file of CDRF, Kollam against the order dated, April 08, 2014 returning the complaint as not maintainable.

2. The complainants filed the complaint before the Forum stating that they have availed a loan of Rs.25 lakhs from the opposite parties, bank that they have paid the entire 84 instalments and still then bank is demanding further amount. Complainants prayed for a direction that opposite parties are not entitled to claim

any further amount and claimed a compensation of Rs.10 lakhs.

3. The Forum found that this is a dispute that requires settlement of accounts for which complainants have to file a Civil Suit and returned the complaint for presentation before the proper Forum.

4. In this revision petition the complainants alleged that the only question to be decided is whether even after payment of 84 instalments, the bank is justified in claiming further amount which is not a dispute regarding settlement of accounts.

5. Heard the counsel for the revision petitioner.

6. We are of the view that the dispute in this complaint does not involved settlement of accounts. The specific case of the complainants is that they have paid the entire agreed 84 instalments and that the opposite parties bank is not entitled to claim further amount. Therefore we are of the view that Forum is not justified in finding that the dispute involved in the complaint requires settlement of account and returning the complaint.

In the result revision petition is allowed. The impugned order of the Forum dated, April 08, 2014 finding that the complaint is not maintainable as the dispute involves settlements of accounts and returning the complaint is set aside. Complaint is found maintainable. The revision petitioners shall take back the complaint from here and re-present it before the Forum on or before 30.06.2014. Forum shall admit the complaint and issue notice to the opposite parties and proceed in accordance with law.

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