

D. Kumar Vs. Viswanathan and Others

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Court : Tamil Nadu State Consumer Disputes Redressal Commission SCDRC
Chennai

Decided On : Apr-30-2014

Judge : R. Regupathi, President & the Honourable Mr. a.K. Annamalai,
Judicial Member

Appeal No. : F.A.No. 697 of 2010

Appellant : D. Kumar

Respondent : Viswanathan and Others

Judgement :

(The Appellant is the complainant filed a complaint before the District Forum against the opposite parties praying certain relief. The District Forum dismissed the complaint. Against the said order, the appellant / complainant filed this appeal praying to setaside the order of the District Forum in CC.No.302/2009, dated 12.07.2010.

This appeal coming before us for hearing finally on 07.03.2014, upon hearing the arguments on either side, perusing the documents, lower court records, and the order passed by the District Forum, this commission made the following order.)

A.K. Annamalai, Judicial Member

1. The unsuccessful complainant is the appellant.

2. The complainant for the purpose of business reserved a ticket for a trip to Pondicherry on 4.6.2009 morning through the 1st opposite party and paid Rs.400/- to the 1st opposite party with a request to boarding at the 3rd opposite party travel office being an important boarding point mentioned in the application form. But the request was not mentioned in the ticket and when he questioned and he was informed that it is not the matter and he can board himself at any of the boarding points including before the 3rd opposite party office. Accordingly the complainant reported for the boarding of the bus at 3rd opposite party on 4.6.2009 at 9 pm till 10.50 p.m., but he was not allowed to travel any one of the buses even the 3rd opposite party tried themselves level best to accommodate any one of the buses to travel, the 3rd opposite party after an enquiry of the 1st opposite party, he told that the bus in which he has to travel already gone. When the complainant contacted the 1st opposite party and explained the position for which no response was made from the 1st opposite party and thereby the complainant reached the destination by alternative arrangements and thereby he filed the consumer complaint after issuing a legal notice on 11.6.2009 claiming refund of Rs.400/- towards ticket charges and to pay Rs.1,00,000/- as compensation for mental agony and to pay Rs.200/- towards expenses incurred by the complainant because of non boarding in the scheduled bus and to pay costs.

3. The opposite parties denying the allegations, the District forum after an enquiry by accepting the contentions of the opposite parties dismissed the complaint.

4. The unsuccessful complainant filed this appeal against the impugned order by contending that the District Forum erroneously dismissed the complaint.

5. We have heard both sides contentions and arguments and perused the materials in this regard. It is the admitted case of the complainant that he had purchased reservation ticket for his travel from Coimbatore to Pondicherry on 4.6.2009 by boarding at Gandhipuram Bus Stand at 9.00 p.m., and he was waiting for boarding of bus at the 3rd opposite party office which is situated at Bharathiyar Road, Near R.V.Hotel, Gandhipuram, Coimbatore 641 012 as promised by the opposite parties and assured to the complainant to travel from that point even though the starting point was at Coimbatore main. The opposite parties

contentions is that he had booked the ticket through on line process in which he had specifically opted for Nehru Stadium as boarding point and instead of boarding at Nehru Stadium he said to have waited at the 3rd opposite party's office at Gandhipuram which is not the boarding place and no passengers are usually accommodated from there. In those circumstances since he had not reported at the boarding point at Nehru Stadium the bus was left without him to travel and thereby the entire mistake is on the part of the opposite parties and the claim of the complainant that he was permitted to board at 3rd opposite party's office and he was compelled to make use of alternate travel which was not proved and thereby the complaint was dismissed. The District Forum having considered all those materials properly came to the conclusion that there was no deficiency of service on the part of the opposite parties and dismissed the complaint to which findings we have not found any error or infirmity since it is not the case of the complainant that according to the boarding point opted by him he was waiting at Gandhipuram point and the bus left without carrying him in spite of his timely arrival. In those circumstances we find that there are no materials to accept the appeal on merits and accordingly the appeal is to be dismissed.

In the result, the appeal is dismissed by confirming the order of the District Forum in CC.No.302/2009, dated 12.07.2010.

No order as to costs in this appeal.

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