

Station Superintendent And Ors. Vs Surender Bhola And Ors.

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: June 12, 2015

Hon'ble Judges: V.B.GUPTA J.

Final Decision: Disposed off

Judgement

1. HEARD .

2. BRIEF facts are that Respondent/Complainant is running business of clothes in the name of Punam Cloth Stores and he visits to Delhi for

purchasing the stock of clothes. On 27.4.2005, he had got his berth reserved in train No. 4257 Kashi Vishwanath Express in berth No. 56 of S2

coach on ticket number 51081748 PNR No. 2213158972. He was going to give the money to the shopkeepers having one lac rupees in the belt

of cloth which was tied in the waist. He awoke at night about 3.30 hrs. and found that belt of cloth and the part of right hand of the pant was cut

and Rs. one lac was stolen by the thief. After getting down at station on 28.5.2005 he lodged first information report to GRP at Delhi in this

regard.

Thereafter, respondent filed complaint filed before the District Consumer Disputes Redressal Forum, Shahjahanpur (for short, "District Forum")

praying that Petitioners/Opposite Parties, be directed to pay Rs. One lakh towards compensation. In addition, respondent claimed Rs. One lakh

with interest @ 18% p.a. alongwith Rs. 400/- towards cost of torn pant.

3. RESPONDENTS filed reply before the District Forum, stating that the luggage which is not booked with the Railway, for that no responsibility

lies upon the Railway. The information in this regard has been exhibited at the convenient places of every station, that the passenger should keep

watch for their luggage. The responsibility of luggage is taken under section 100 of Railway Act 1989, which is booked with the Railway as per

rule. Further, the security of the passenger and his luggage comes under the jurisdiction of State Government, which was entrusted to the GRP.

4. DISTRICT Forum, vide order dated 4.8.2006, partly allowed the complaint and directed the opposite party to pay Rs. 1,00,000/- (Rupees

One Lac only) to the complainant. Remaining claim with regard to compensation was rejected.

Being aggrieved, Petitioners filed First Appeal (No. 2004 of 2006) before the State Commission, which vide impugned order dated 31.12.2014,

concluded with the order of District Forum and dismissed the appeal.

5. NOW , petitioners have filed this revision.

6. IN the present case, incident of theft occurred in the year 2005. Thus, about 10 years have lapsed. The litigation between the parties is going on

for last about 10 years. There are concurrent findings of facts given by both the fora below. Even otherwise, only paltry amount of Rs. 1,00,000/-

(Rupees One Lac only) is involved in this case. Hence, this Commission is not inclined to entertain this petition, in view of the decision of Apex

Court in ""Gurgaon Gramin Bank v. Khazani and another, IV (2012) CPJ 5 (SC), where Apex Court observed;

2. Number of litigations in our country is on the rise, for small and trivial matters, people and sometimes Central and State Governments and their

instrumentalities Banks, nationalized or private, come to courts may be due to ego clash or to save the Officers" skin. Judicial system is over -

burdened, naturally causes delay in adjudication of disputes. Mediation centers opened in various parts of our country have, to some extent, eased

the burden of the courts but we are still in the tunnel and the light is far away. On more than one occasion, this court has reminded the Central

Government, State Governments and other instrumentalities as well as to the various banking institutions to take earnest efforts to resolve the

disputes at their end. At times, some give and take attitude should be adopted or both will sink. Unless, serious questions of law of general

importance arise for consideration or a question which affects large number of persons or the stakes are very high, Courts jurisdiction cannot be

invoked for resolution of small and trivial matters. We are really disturbed by the manner in which those types of matters are being brought to

courts even at the level of Supreme Court of India and this case falls in that category.

The Apex Court further held;

10. The Chief Manager stated in the affidavit that no bill was raised by the counsel for the bank for conducting the matter before the National

Consumer Dispute Redressal Commission. We have not been told how much money has been spent by the bank officers for their to and fro

journeys to the lawyers" office, to the District Forum, State Forum, National Commission and to the Supreme Court. For a paltry amount of Rs.

15000/-, even according to the affidavit, bank has already spent a total amount of Rs. 12,950/- leaving aside the time spent and other

miscellaneous expenses spent by the officers of the bank for to and fro expenses etc. Further, it may be noted that the District Forum had awarded

Rs. 3,000/- towards cost of litigation and compensation for the harassment caused to Smt. Khazani. Adding this amount, the cost goes up to Rs.

15,950/- . Remember, the buffalo had died 10 years back, but the litigation is not over, fight is still on for Rs. 15,000/- .

11. Learned counsel appearing for the bank, Shri Amit Grover, submitted that though the amount involved is not very high but the claim was fake

and on inspection by the insurance company, no tag was found on the dead body of the buffalo and hence the insurer was not bound to make

good the loss, consequently the bank had to proceed against Smt. Khazani.

12. We are of the view that issues raised before us are purely questions of facts examined by the three forums including the National Disputes

Redressal Commission and we fail to see what is the important question of law to be decided by the Supreme Court. In our view, these types of

litigation should be discouraged and message should also go, otherwise for all trivial and silly matters people will rush to this court.

13. Gramin Bank like the appellant should stand for the benefit of the gramins who sometimes avail of loan for buying buffaloes, to purchase

agricultural implements, manure, seeds and so on. Repayment, to a large extent, depends upon the income which they get out of that. Crop failure,

due to drought or natural calamities, disease to cattle or their death may cause difficulties to gramins to repay the amount. Rather than coming to

their rescue, banks often drive them to litigation leading them extreme penury. Assuming that the bank is right, but once an authority like District

Forum takes a view, the bank should graciously accept it rather than going in for further litigation and even to the level of Supreme Court. Driving

poor gramins to various litigative forums should be strongly deprecated because they have also to spend large amounts for conducting litigation.

We condemn this type of practice, unless the stake is very high or the matter affects large number of persons or affects a general policy of the

Bank which has far reaching consequences.

14. We, in this case, find no error in the decisions taken by all fact finding authorities including the National Disputes Redressal Commission. The

appeal is accordingly dismissed with cost of Rs. 10,000/- to be paid by the bank to the first respondent within a period of one month. Resultantly,

the Bank now has to spend altogether Rs. 25,950/- for a claim of Rs. 15,000/- , apart from to and fro travelling expenses of the Bank officials.

Let God save the Gramins.

Above quoted observations of the Apex Court, with all force are fully applicable to the facts and circumstances of the present case.

7. IN the present case, incident of theft occurred in the year 2005 and about 10 years have lapsed. Even otherwise, only paltry amount is involved,

therefore, this commission is not inclined to entertain this petition. However, the question of law raised in this petition, if any, is kept open to be

decided in an appropriate case, where stakes are high.

8. THE present revision petition stand disposed of accordingly.

No order as to cost.