

**(1994) 01 NCDRC CK 0019**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

Allahabad Bank Ltd.

APPELLANT

Vs

M.P. SINGH

RESPONDENT

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**Date of Decision:** Jan. 6, 1994

**Citation:** 1994 1 CPC 698 : 1994 1 CPR 871 : 1994 2 CPJ 336

**Hon'ble Judges:** Jyotirmoyee Nag , Sunil Kanti Kar J.

**Final Decision:** Appeal dismissed

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**Judgement**

1. THE impuged order dated 25.7.1993 in C.D.F. Case No.796 of 1993 passed by the Calcutta District Forum has been challenged in this appeal before us. THE crux of the facts is that the complainant who is the respondent in this appeal presented on 9.2.1992 a cheque for collection of Rs. 9,995/- drawn on Union Bank of India, Dehra Dun. THE cheque was encashed by Union Bank of India, Dehra Dun on 21.2.1993. Having received intimation about such encashment, the said amount was credited in the account of the complainant/respondent on 15.3.1993 and the complainant/respondent being aggrieved with alleged delay to credit his account filed the instant complaint before the Calcutta District Forum for recovery of compensation on the alleged ground that he had to visit Dehra Dun 4 times for the said purpose and he incurred cost towards his such journey to Dehra Dun and also it caused harassment to him. On the basis of the said allegations made by the complainant/ respondent, the Calcutta District Forum awarded Rs. 5,000/- as compensation towards cost and harassment etc. and directed payment within 7 days therefrom and in default to comply with the same, it was threatened to take penal action against the appellant. Hence this appeal arises. DECISION

2. IT is admitted that the cheque was encashed by Union Bank of India at Dehra Dun on 21.2.1993 and the same was credited by the Appellant Bank in favour of the complainant/ respondent on 15.3.1993.

It appears to us that there was only delay of 22 days for crediting the amount of the cheque in favour of the complainant/ respondent. After encashment of the cheque by the Drawee Bank namely Union Bank of India at Dehra Dun, it will take atleast some days to receive the intimation through post of said encashment by the Drawers Bank at Calcutta. Hence 22 days delay is not too much to credit the amount in favour of the complainant/ respondent by the Drawers Bank at Calcutta.

Further if there was any negligence which caused delay to credit the amount in favour of the complainant/respondent that was due to the drawee Bank at Dehra Dun. Further without addition as the party of the Drawee Bank at Dehra Dun, the liability of the parties can not be determined. So it suffers from inherent defect of non-joinder of necessary parties and as such the complaint is liable to be dismissed. Further on perusal the facts of the case we do not find any deficiency in service on the part of the Appellant Bank as per our observation stated above.

3. HENCE the appeal is allowed on contest, the judgment and order dated 23.5.1993 passed by the Ld. C.D.F. in C.D.F. Case No.793 of 1993 is set aside. Considering the facts and circumstances of the case we are not inclined to award any cost for the proceeding. Appeal dismissed.