

(1994) 03 NCDRC CK 0018

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

ANWARUL ULOOM (DAY)
COLLEGE

APPELLANT

KHAJA HASANUDDIN

Vs

RESPONDENT

Date of Decision: March 2, 1994

Citation: 1994 3 CPJ 330

Hon'ble Judges: A.Venkatarami Reddy , J.Ananda Lakshmi , C.V.Subba Reddy J.

Final Decision: Appeal dismissed

Judgement

1. -IT is not in dispute that the 2nd opposite party, who is the appellant herein, issued original certificate through it. But as the original certificate was damaged in floods, the complainant applied along with necessary challan through the 2nd opposite party to the Intermediate Board for insurance of a duplicate certificate. IT is the case of 2nd opposite party that it forwarded the application to the Intermediate Board. But the Intermediate Board did not send the duplicate certificate and, therefore, it could not hand-over the certificate to the complainant.

2. ON the other hand, before the District Forum, the Intermediate Board took a stand that they sent the duplicate certificate by registered post on 22-10-1989 and they also gave a registered letter No. as 622 on 25-12-1989 and also marked a copy of the letters the complainant. The letter was marked as Ex. P.6.

The District Forum relying on the said letter, held that the second opposite party received the duplicate certificate and due to its negligence, it did not hand-over to the complainant thereby the complainant suffered mental agony and also there was lot of delay. The complainant was, therefore, compelled to apply for a triplicate

certificate. In these circumstances, the District Forum held that on account of the mental agony and delay caused in issuing the certificate, the 2nd opposite party shall pay an amount of Rs. 3,000-00 byway of compensation to the complainant and also costs.

In this appeal, it is contended firstly that there is no consideration paid by the complainant. We are not inclined to agree as an amount of Rs. 50/- was sent by way of challan. The contention that it was not for the service to be rendered by the 2nd opposite party, but it was sent for the service to be rendered by the first opposite party by paying a challan and in the circumstances that the challan and the application was forwarded through the 2nd opposite party. It is, therefore, clear that the complainant paid consideration for obtaining the duplicate certificate. It is next contended that the 2nd opposite party is under no legal obligation to receive any application addressed to the Intermediate Board. It is left to the 2nd opposite party whether to receive the application or not. But so far as this case is concerned, it has received the application and in view of the registered receipt filed by the Intermediate Board, a copy of that letter was also marked to the complainant, there cannot be any doubt that there is negligence on the part of the 2nd opposite party in-as-much as it lost the duplicate certificate sent by the Intermediate Board. We are, therefore, not inclined to interfere with the order of the District Forum. The appeal is dismissed. No costs. Appeal dismissed.