

AIR INDIA Vs NAZAR KOROTHALA

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: March 22, 1999

Citation: 1999 3 CPJ 324 : 2000 1 CPR 159

Hon'ble Judges: L.Manoharan , K.M.Latha , R.Vijayakrishnan J.

Final Decision: Appeal dismissed

Judgement

1. THE opposite parties 4, 5 and 6 in O.P. No. 1/98 on the file of the Consumer Disputes Redressal Forum, Kozhikkode are the appellants. THE

grievance that the complainant sought to agitate before the District Forum was, though he had a confirmed ticket for his journey from Bombay to

Riyad on 27.7.1997, he was not given the boarding pass and was not permitted to travel on that day. He could make the journey only on the next

day, visa expired on 27.7.1997, consequent upon which, the imigration staff of Saudi Arabia at Riyadh Airport deported him back to Bombay in

the very same Airlines Flight. He lost his job in Riyad; he alleged negligence and deficiency of service and claimed a total compensation of Rs.

3,83,000/- on various sides. THE 3rd opposite party who was the travel agent contented that he had nothing to do with the non-issue of the

boarding pass and hence he cannot be made liable. Opposite parties 4 to 6, the appellants in their version sought to maintain, boarding pass was

not issued as there was over booking and that such passengers like the complainant were given boarding and lodging for the day at Bombay at the

expense of the airlines and they made their journey on the next day. THEy dispute the claim of the complainant that he lost his job as a

consequence of the expiry of the visa. THEy also maintained that, the compensation claimed is on the higher side, the complainant gave evidence

as P.W. 1 and produced Exts. AI to A5, opposite parties produced Exts. BI to B4. On a consideration of the said material the District Forum

directed opposite parties 4 to 6 jointly and severally to pay a total amount of Rs. 48,780/- as compensation and also costs of Rs. 1,500/-.

Aggrieved by the said direction, as indicated, opposite parties 4 to 6 have now filed the appeal.

2. THE learned Counsel for the appellant challenged the order maintaining that, the complainant is guilty of suppression and on that ground itself the

complaint has to be rejected. It was also urged that the complainant waited till the last date for the journey, and had he been serious, he could have

not chosen the last day for his journey. THE learned Counsel sought to rely on a document claimed to be the translation of a page of the passport

to contend that the visa had expired on 22.7.1997. This argument cannot hold good for the simple reason as such a contention was never raised

before the District Forum. THE appellants could not have maintained that, they had no knowledge of the expiry of the visa because admittedly they

were in position of the passport of the complainant which they seized as security for the air freight for taking the respondent/complainant back from

Riyad to Bombay. THE document which the learned Counsel sought to rely on was not also produced before the District Forum. In the above

circumstance such a contention cannot be permitted to be taken. THE District Forum in quantifying the compensation took into account the air fare

for the flight and the mental agony and misery to which the complainant was subjected. THE District Forum has discussed the matter in paras 9

and 10 of the impugned order. THE circumstance that the complainant had chosen the last date for the journey also is taking into account in fixing

the compensation. Though the complainant claimed a total of Rs. 3,83,000/- as compensation, the District Forum fixed it at Rs. 48,780/- only.

We do not see anything to interfere in the impugned order. THE appeal is without merit. Hence the same is hereby dismissed. Appeal dismissed.