
(1995) 05 NCDRC CK 0036

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

S.S.CHAUHAN

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: May 24, 1995

Citation: 1995 3 CPJ 316 : 1996 1 CLT 629 : 1996 1 CPR 121

Hon'ble Judges: A.P.Chowdhri , S.Brar J.

Final Decision: Complaint dismissed in limine

Judgement

1. THE facts giving rise to this complaint are that the petitioner's mother died on 11.4.92 at Village Umari, District Aligarh, UP. He sent intimation regarding her death through post-cards inviting 60 relatives and friends from Delhi, UP and Haryana. According to custom a feast and Rasam Pagri had been arranged for 22.4.92. THE post cards were mailed on 13.4.92. THE complainant spent about Rs. 20,000/- for the meal for guests who were expected to attend. Most of the relatives and friends failed to turn up on the ground that they failed to receive the intimation regarding the function in time. For the delay in delivery of the post cards the complainant has claimed Rs. 6,000/- as per details under various heads mentioned in para 8 of the complaint.

2. WE have carefully gone through the complaint and have heard the learned Counsel for the complainant. The cause of action admittedly arose in April '92. The present complaint was filed on 7.4.95.

As the post-cards were mailed by ordinary post, there is no evidence fixing the date when they were actually mailed. Infact in para 4(1) of the complaint one of the

relatives had informed the complainant that the post-card bore cancellation mark of post-office Umari dated 18.4.92 which he received on 22.4.92. In other words there is no guarantee when the post-cards were mailed. If the complainant was so keen to inform the relatives etc. there are other well-known methods of notifying them. Moreover, Section 6 of the Indian Post Office Act, 1898 provides complete immunity inter alia for compensation in respect of delay in delivery of postal articles.

After careful consideration we find that the complaint is not a bonafide one and deserves to be dismissed in limine. We order accordingly. Complainant be informed. Complaint dismissed in limine.