

**(1994) 02 NCDRC CK 0038**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

PREMA AMBERKAR

APPELLANT

Vs

Sub-Inspector of Police

RESPONDENT

**Date of Decision:** Feb. 28, 1994

**Citation:** 1994 1 CPC 337 : 1994 1 CPR 890 : 1994 3 CPJ 292 : 1995 1 CLT 173

**Hon'ble Judges:** D.R.Vithal Rao , K.R.Ramaswamy Iyengar J.

**Final Decision:** Appeal dismissed

**Judgement**

1. THIS appeal, by the complainant, is directed against the order dated 11-8-1993, passed by the District Forum, Chitradurga, in Complaint No. CTA/DF/61/93, dismissing the complaint.

2. AS the appeal memo was received by post, a notice was sent to the appellant for appearance. The appellant, on receipt of the said notice, has sent written submission to decide the case on merits.

It is the case of the complainant that she purchased a Typewriter on 5-2-1988. The opposite party. The Sub-Inspector of Police, Tumkur, visited the house of the complainant on 19-5-1989 and took away the typewriter by force from her stating that the said typewriter was concerned in some cases. It is the further case of the complainant that the said typewriter was given back to her by the opposite party on 23-3-1990 which was found to be in a damaged condition. The complainant has sought compensation and replacement of the said damaged typewriter with a new typewriter by the opposite Party.

The District Forum, Chitradurga, considered the facts averred in the complaint and held that the complainant cannot be classified as a "consumer" under the provisions of the Consumer Protection Act, 1986 and in that view dismissed the complaint.

3. WE have called for the records and received. WE have perused the order recorded by the District Forum, Chitradurga.

As referred above, the grievance of the complainant is that the Sub-Inspector of Police-the Opposite Party, took away the typewriter by force from her and returned it in a damaged condition to her after a lapse of more than three years on the basis of which she sought compensation. The averments contained in the complaint did not amount to "complaint" as provided under Section 2(1)(c) of the Consumer Protection Act, 1986, nor the complainant can be classified as a "consumer" under the provisions of Section 2(1)(d) of the Act. That is the finding recorded by the District Forum. We do not see, having regard to the facts and the circumstances of the case, any good ground to interfere in the order dated 11-8-1993, recorded by the District Forum, Chitradurga, in Complaint Case No. CTA/DF/61/93. ORDER

4. IN the result, therefore, this appeal fails and it is dismissed. The parties are directed to bear and pay their own costs in this appeal. Appeal dismissed.