
(1992) 08 NCDRC CK 0017

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SR.SUPDT.OF POST
OFFICE

APPELLANT

Vs

PUSHPAVATI
V.KANEKAR

RESPONDENT

Date of Decision: Aug. 25, 1992

Citation: 1992 2 CPR 736 : 1992 3 CPJ 235

Hon'ble Judges: G.G.Loney , Atanasio Monteiro , Subhalakshimi Naik J.

Final Decision: Appeal dismissed with cost

Judgement

1. THIS is an appeal filed against the Order dated 15.5.92 in the Complaint No. 29/DF/92 before the District Forum, Panaji. Wherein the Appellants were directed to pay compensation of Rs. 2000/- with interest at the rate of 18% from the date of the impugned order.

2. THE complaint was filed by Mrs. Pushpaviti v. Kanekar before the District Forum on the ground of non delivery of Registered Letter addressed to the complainant. According to the complainant the Registered Letter from the Dy. Director of Accounts, Panaji containing her pension papers, was addressed to her at Ponda-Goa. However, at the relevant time she stated, that she was not residing at Ponda address; but her letter was delivered to the wrong person on the same Ponda address. THE case of the complainant is that Registered Letter cannot be delivered to any person other than the addressee and therefore ought to have been returned to the issuing authority in the absence of or non availability of the addressee at the given address.

However, the opposite party who are the appellants hereto stated that the Registered Letter was delivered to the granddaughter-in-law of the complainant in good faith and on the assurance that the same would be delivered to the complainant.

The complainant alleged that the same Registered Letter was never delivered to her, hence the complaint was filed and the impugned order made.

3. THE appellants represented by their Counsel Shri. G.R. Sharma argued that the Registered Letter delivered to the Granddaughter-in-law of the respondent in this appeal was a valid delivery considering that she was a family member and the respondent to whom the letter was addressed was sick and aged lady. He also argued that the said grand-daughter-in-law and her husband, grand-son of the respondent had sworn affidavits confirming that the said letter was delivered to the Respondent. However, the Learned Counsel failed to show any evidence of such delivery. On the contrary the respondent here-to had produced evidence on records by letter dated 26.2.91 from Sr. Supdt. Post Office, Goa Division, Panaji confirming that suitable action has been taken against the concerned Postman for delivering the letter to the person other than the addressee and by statement dated 18.9.91 of the concerned Postman being Appellant No. 3 hereto who admitted having delivered the said letter to the wrong person.

We have perused the documents and affidavits produced on records of the District Forum, Panaji and heard the argument of Learned Counsel for the appellants and Smt. Nalini Mahadgut, Attorney for the Respondent.

4. CONSEQUENTLY, we find there is no substance in this appeal. The delivery of the Registered Letter to person other than the addressee is a wrong delivery on the part of the appellants amounting to deficiency in service. Admittedly the respondent had to suffer loss and inconvenience due to the non-receipt of the letter.

We therefore uphold the order of the District Forum directing the appellants hereto to pay compensation of Rs. 2000/- (Rupees two thousand only) together with interest at the rate of 18% from the date of impugned order up to the date of final payment. We further direct the appellants to pay an amount of Rs. 400/- to the respondent towards cost for appearance before us on 25th August" 92. Appeal dismissed with cost.