

(1993) 08 NCDRC CK 0020

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

Vinod Grover

APPELLANT

Vs

NIRMALA BHARDWAJ

RESPONDENT

Date of Decision: Aug. 27, 1993

Citation: 1993 3 CPJ 1713

Hon'ble Judges: R.N.Mittal , S.Brar , A.N.Saxena J.

Final Decision: Appeal dismissed

Judgement

1. THIS appeal has been filed by the opposite party against the order of the District Forum No. I dated 18th June, 1992.

2. BRIEFLY the facts of the case are that the opposite party gave allurement that the ladies, who held their Kitty parties in their restaurant, would be given a gift packet of four glasses each. The complainant organised the Kitty party in the premises of the opposite party on 12th September, 1990. The Manager did not give the gift packet as promised on the ground that the same was not available at that time in the restaurant. However, he assured orally and in writing that the packet would be given to them soon. It is alleged that no gift packet had been given by the opposite party. Consequently, she filed a complaint before the District Forum No. 1.

The opposite party contested the complaint. They admitted that they had agreed to give gift packets and had given it in writing. However, they pleaded that they never agreed to give four glass tumblers each, as the price of the tumblers would have been more than that of their profits.

The learned District Forum directed the opposite party to pay Rs. 70/- as cost of 14 gift packets and Rs. 700/- as cost of the complaint and damages for loss of face and prestige suffered by the complainant. The opposite party has come up in appeal against the order of the District Forum to the Commission. No one was present on behalf of the respondent.

3. WE have heard the learned Counsel for the complainant. However, we do not find any reason to interfere with the amount of damages and price of the gifts granted by the District Forum. The District Forum has granted the price of the gift at Rs. 5/- per lady member of the Kitty party. In our view the amount is very reasonable and does not require any modification. The District Forum has further granted Rs. 700/- as damages and cost of litigation. This amount is also reasonable. The appellant should have given the gifts with a grace which they failed to do. thus, the complainant was forced to file the complaint against the opposite party. The cost of litigation has gone very high. It cannot be denied that the complainant's prestige suffered when the opposite party failed to give the gift as promised by them to the Members of the Kitty party. The damage on this account and the cost of litigation granted to the complainant-respondent cannot, by any stretch of imagination, be said to be on the higher side. Consequently, we dismiss the appeal with no order as to costs. Appeal dismissed.