

AMAR NATH AGGARWAL Vs NORTHERN RAILWAY

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: March 21, 1996

Citation: 1996 2 CPJ 14

Hon'ble Judges: A.P.Chowdhri , Desh Bandhu J.

Final Decision: Appeal allowed

Judgement

1. THE appellant alongwith about 20 persons under-took a journey by Railway. On 24.5.91, when the Mahalaxmi Express in which they were

travelling from Bombay to Vascodegama, two incidents of chain snatching took place. THE train was stopped by pulling the alarm chain. THE

Guard failed to take any effective action. THE members of the touring parties were so scared that they abandoned the tour programme in the

middle putting the complainant who had organised the tour to great expense, inconvenience and mental agony. THE complaint seeking various

relief was instituted before District Forum-II on 1.11.93. By a short order dated 17.5.95 the complaint was dismissed as barred by limitation of

two years. Aggrieved by the orders the complainant has preferred this appeal.

2. IN spite of notice, no one has appeared for the respondent. We have heard the appellant who argued in person.

The Consumer Protection Act was amended by the insertion of Section 24-A w.e.f. 18.6.93. The provision with regard to two years limitation is

not retrospective and does not apply to the present case. According to a number of decisions of the N.C. the FORA were not required to

entertain stale claims which was taken to imply claims which would be barred under the normal period of limitation on grounds of public policy. In

view of the said settled position of law, it appears to us that the complaint could be instituted within a period of 3 years from the date of the alleged

incident. We, therefore, fail to see how the complaint was barred by limitation and how the period of limitation could be taken two years. We,

therefore, allow this appeal reverse the findings of the learned District Forum- II with regard to limitation and direct the said forum to dispose of the

complaint according to law. For the purpose, the appellant is directed to appear before District Forum-II on 8.4.96. A copy of this order be

communicated to both the parties as well as District Forum II. The appeal is disposed of in these terms. Appeal allowed.