

(2012) 05 NCDRC CK 0108

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

Sabu Zacharia, Nambelil House
Oliyappuram P.O. Vadakara
Paittakulamkara Koothattukulam
Village

APPELLANT

Vs

President, Cable TV Consumers
Welfare Association,
Koothattukulam

RESPONDENT

Date of Decision: May 11, 2012
Citation: 2012 0 NCDRC 133
Hon'ble Judges: J.M.Malik J.
Advocate: Ranji Thomas

Judgement

1. THE District Forum and the State Commission have given the concurrent findings that the complainant Sabu Zacharia is entitled to Rs.60,000/- for the injuries he received due to electric shock.

2. THE facts of the case shortly stated are these. THE complainant was a consumer of Cable TV Consumer Welfare Association run by the respondents. On 8th July, 2007 while the complainant was trying to unplug the cable connection, he sustained electric shock from the connection of the cable TV supplied by the respondents. THE complainant was rushed to Devamatha Hospital, Koothattukualam from where he was referred to Lissie Hospital, Koothattukualam. THE complainant had to undergo treatment from 8th July, 2007 to 23rd July, 2007 for the fracture and deep burns sustained by him. THE complainant approached respondents and they compensated

him by a sum of Rs.15,000/-. THE complainant was not satisfied with that petty amount. Consequently, he filed complaint against him in the District Forum and claimed a sum of Rs. 5 lakhs with interest and cost.

On the other hand, respondents denied all these allegations. However, they stated that the amount paid to the claimant was a charitable aid given to a member and the complainant was not entitled to any further amount.

I have heard counsel for the petitioner. He was asked to show the evidence of expenditure incurred on the sickness of the complainant. He admitted that those documents were not filed on the record. He wanted to file the same at this late stage. Those documents did not see the light of the day before the District Forum. At this stage, he cannot be permitted to produce those documents. He did not ask the State Commission that he may be allowed to lead additional evidence.

3. AGAIN, the true copy of the report of the doctor has been produced on record. As a matter of fact this is a certificate dated 28th April, 2008. At the end, the doctor mentioned, The percentage of disability with respect to whole body comes to 35% according to McBride Scale, permanent in nature. This report is vague, evasive and leads me nowhere.

Counsel for the petitioner states that he should be permitted to produce further evidence from the doctor wherein he should explain as to what is the 35% disability. He contended that the complainant cannot stand. There is no such evidence to this effect. The petitioner cannot be permitted to lead additional evidence after lapse of more than four years. He has not produced any evidence which may go to show that the complainant spent a sum of more than Rs. 3 lakhs on this ailment.

4. IN absence of the evidence, no order can be passed in favour of the complainant. The revision petition is meritless. There is concurrent finding by the two Foras below. No question of law arises. Therefore, the revision petition is dismissed in limine.