

(2000) 02 NCDRC CK 0071

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SURENDRA NATH
PATHAK

APPELLANT

Vs

JAI PRAKASH SINGH

RESPONDENT

Date of Decision: Feb. 8, 2000

Citation: 2000 1 CPJ 471

Hon'ble Judges: K.C.Bhargava , D.D.Bahuguna J.

Final Decision: Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 6.1.2000 passed by District Consumer Forum, Siddharth Nagar in Complaint Case No. 24/1995.

2. THE facts of the case stated in brief are that the complainant filed a complaint for recovery of Rs. 55,000/- as compensation for mental tension and torture etc.

It is alleged that a loan was taken from Sadhan Sahkari Samiti, Mahdani, Post Birwa, District Siddharth Nagar in 1975 and the said loan has already been repaid, but the opposite party has filed the complaint for payment of the loan amount by issuing notice.

Opposite party has alleged that the entire amount has not already been repaid.

3. THE learned District Forum, after considering the evidence on record, dismissed the complaint and ordered for payment of Rs. 2,000/- as cost to the opposite party.

Aggrieved against this order of the learned District Forum, the complainant has come in appeal and has challenged the correctness of the order.

4. WE have heard the learned Counsel for appellant. A perusal of the file will go to show that the complainant has not paid the entire amount of loan because there is no document on record to show that the entire amount has been paid. Moreover, the complainant approached the Registrar of the Co-operative Societies under Section 70 of the U.P. Cooperative Societies Act. When his application was not decided, he filed a Civil Miscellaneous Writ Petition No. 6201 of 1996 before the Hon"ble High Court, Allahabad. The Hon"ble High Court directed the respondent No. 1, Assistant Registrar to decide the application of the petition within a period of two months.

Learned Counsel for appellant has argued that the matter is not pending under Section 70 of the U.P. Cooperative Societies Act. We are unable to rely on this argument as copy of the order of the Hon"ble High Court dated 19.2.1996 filed by the appellant is on record, which shows otherwise.

Keeping in view the fact that the appellant has already availed the remedy available to him under the U.P. Cooperative Societies Act, the complaint was rightly dismissed. Thus the appeal has no force and is liable to be dismissed. However, we find that the cost awarded of Rs. 2,000/- is on the higher side which is reduced to Rs. 500/-. Order The appeal is dismissed and the cost awarded is reduced to Rs. 500/-. The judgment and order of the District Forum are confirmed. Let copy of this order be made available to the parties as per rules. Appeal dismissed.