

STATE CONSUMER DISPUTES REDRESSAL COMMISSION  
UTTAR PRADESH LUCKNOW  
APPEAL NO. 549 OF 2002

(against the judgment and order dated 04.02.2002 in Complaint case no. 205/96 passed by the District Consumer Forum, Saharanpur)

Narendra Saini s/o Sri Sarjeet Singh,  
r/o Main Road, Gangoh District Saharanpur Appellant  
Versus

Dr. Narendra Singh,  
Ram Leela Bhawan, Gangoh District Saharanpur Respondents  
and another

BEFORE

HON'BLE MR. JUSTICE BHANWAR SINGH, PRESIDENT  
HON'BLE MR. CHANDRA BHAL SRIVASTAVA, MEMBER

For the Appellant : Sri H.K. Srivastava, Advocate  
For the Respondents : None is present.

DATED: 19.05.2011

JUDGMENT

MR. JUSTICE BHANWAR SINGH, PRESIDENT (ORAL)

Heard Sri H.K. Srivastava, learned counsel for the appellant.

None is present on behalf of the respondents.

Since it is an old appeal of the year 2002, we deem it appropriate to decide it on merit.

By means of the impugned judgment dated 4.2.2002 the District Consumer Forum, Saharanpur allowed the complaint of Dr. Narendra Singh with a direction to the appellant to pay to the complainant a compensation of Rs.8,500/- besides litigation charges amounting to Rs.500/-. Dr. Narendra Singh filed his complaint with the allegation that he had taken his western TV to the shop of Sri Narendra Saini for repairs and when Sri Narendra Saini could not find any default in the television he took it to the shop of Sri Jaipal Sharma in Saharanpur who had repaired it. He paid the repair charges amounting to Rs.1070/- but the television was not exhibiting clear picture. The complainant again

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carried his television to the shop of Sri Jaipal Sharma and handed it over for further repairs. The complainant then approached the appellant Sri Narendra Saini, on whose advise he had handed over his television to Sri Jaipal Sharma and requested him for delivery of the repaired television, however, with no result. Then he filed his complaint which was allowed as indicated above.

Sri Narendra Saini has preferred the present appeal with the averment that neither he had repaired the television nor he is responsible for any wrong done to the complainant's television by Sri Jaipal Sharma. He has also denied that he had suggested the name of the aforesaid mechanic alone rather he had spelled out many names of the mechanics where the complainant could get his television repaired. In other words the appellant pleaded that neither he had any kind of collaboration with Sri Jaipal Sharma nor he was liable for any deficiency in service rendered by the said mechanic.

The crucial question which arises for our determination is as to whether the appellant is liable to pay any compensation to the complainant?

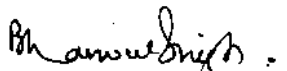
Admittedly the complainant got his TV repaired at the shop of Ahuja Radio, Pratap Market, Saharanpur where Jaipal Sharma was working as mechanic and he handed over his TV to Sri Jaipal Sharma who has not as alleged, returned his TV. On the face of these averments the appellant cannot be held responsible as he has neither carried out repairs of the television nor he is doing any business in partnership of Jaipal Sharma for Ahuja Radio. The complainant admitted in his complaint that the appellant could not find any fault in the television. He then got the television delivered through his compounder at the shop of Sri Narendra Saini but the latter had denied this fact. The appellant has stated that when he could not carry out the repairs of the complainant's television, he suggested the names of several mechanics to be contacted at Saharanpur and accordingly, the complainant took it to Sri Jaipal

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Sharma and got repaired. For this suggestion, he cannot be said to have rendered any service as neither he has realized money for such a suggestion as consideration nor he had his business in partnership with the mechanic at the district head quarter of Saharanpur. The appellant carries on his business at Gangoh of district Saharanpur. The appellant has also stated in his memo of appeal that he was pressurized by the Station Officer of the Police Station Gangoh to execute a writing thereby undertaking to pay the price of the television. This undertaking has been relied upon by the District Consumer Forum and the explanation of the appellant that it was executed under pressure has been negated on the ground that no complaint against the station officer was sent to any higher authority. From the fact that the police had intervened in a civil dispute appears to indicate that the appellant was victimized by the undue pressure of the police, as managed by the complainant. The police should have refused to intervene in a civil dispute with a direction to both the parties to get it settled through a court of competent jurisdiction.

Having regard to all the above aspects of the matter we are of the decisive opinion that the appellant had neither carried out the repairs of the complainant's television nor he had rendered any service through his contacts with the mechanic Jaipal Sharma. Whether the television was repaired by the Ahuja Radio or its mechanic Jaipal Sharma, the appellant cannot be held liable for any deficiency in service.

In the result this appeal succeeds and is hereby allowed. The impugned judgment is quashed.

  
(JUSTICE BHANWAR SINGH)  
PRESIDENT

  
(CHANDRA BHAI SRIVASTAVA)  
MEMBER