

CHIEF COMMER.MAN.,CENTRAL RAILWAY & ANR. ...APPELLANT(S)

VERSUS

SALAUDDIN YAKUB SHAIKH & ORS. ...RESPONDENT(S)

O R D E R

This appeal is directed against an order dated 19<sup>th</sup> December, 2008 passed by the National Consumer Disputes Redressal Commission (National Commission) in Revision Petition No.4564 of 2008.

The complainant has been served in the matter and vakalatnama has been filed on his behalf. However, the Registry has taken an objection that the vakalatnama has been filed by a person who is not an Advocate-on-Record. Intimation of the defect has been communicated by the Registry to the complainant who has received intimation of the defect. However, the complainant has not taken any steps to cure the defect and, therefore, no one is present on behalf of the complainant.

The complaint is based on the fact that the complainant's brother has parked his car in the authorized parking lot of the Railway Station at Sholapur

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on 30<sup>th</sup>

June, 2005. The complainant went to Mumbai and returned the same day and noticed that his car was not there at the authorized parking lot. Accordingly, he filed a complaint with the police authorities though he could have filed it with the Railway Police Force, but did not do so.

Be that as it may, the complainant appointed a surveyor who assessed the loss suffered by the complainant at Rs.3,60,000/-. Accordingly, he filed a complaint before the District Consumer Disputes Redressal Forum, Pune (District Forum). The District Forum after hearing the parties came to the conclusion that the amount of Rs.3,60,000/- should be paid to the complainant by the person to whom the contract was awarded by the Railway authorities for holding a parking lot.

Feeling aggrieved, the contractor preferred an appeal before the State Consumer Disputes Redressal Commission, Maharashtra at Mumbai (State Commission) and the order passed by the District Forum was modified to the extent that the complainant could recover the amount jointly and severally from the Railway authorities as well as from the contractor.

Against the order passed by the State Commission on 27<sup>th</sup>

March, 2008, a revision petition was filed by the

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Railways and that came to be dismissed by the National Commission on 19<sup>th</sup>

December, 2008.

The only submission made by learned counsel for the appellants/Railways is that it is quite likely that the complainant or his brother had received the insurance amount from the insurance company since the owner of the vehicle was holding a third party insurance that was valid on the date of the alleged loss of the car.

We are unable to determine whether the complainant or his brother received any amount from the insurance company because there is no appearance on behalf of the complainant. Since the amount is not very high, it is possible that the complainant has chosen not to appear in

