

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.28086 of 2017
Date of Decision: 12.12.2017

Jyoti

. . . . Petitioner

Vs.

Industrial Development Bank of India and another

. . . .Respondent

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Narender Singh Kamboj, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ in the nature of mandamus directing the respondents to pay ₹25,000/-, which was allegedly due on 30.9.2017, with interest @ 9% per annum w.e.f. 1.10.2008 till the date of actual payment along with litigation expenses.

In brief, it is averred that the father of the petitioner had purchased IDBI Deep Discount Bond certificate No.1173917 dated 31.01.1997 against ₹5,500/-. In August 2008, the father of the petitioner was in need of money, therefore, he approached the respondents for getting the amount which had become due on 31.8.2007. The money was not paid, therefore, he filed a complaint before the District Consumer Redressal Forum, Patiala [for short 'the Forum'] under Section 12 of the Consumer Protection Act, 1986 [for short 'the Act']. The said application was allowed.

The IDBI filed the First Appeal No.370 of 2010 before the State Consumer Disputes Redressal Commission, Punjab [for short 'the State Commission']. The said appeal was contested by the grandfather of the petitioner who had appeared on her behalf. During the proceedings before the State Commission, the parties entered into a compromise and on the basis thereof, it was decided that an amount of ₹16,135/-, deposited at the time of filing of the appeal, shall be paid to the petitioner along with interest accrued thereon. The said order was passed on 25.3.2011 in which the grandfather of the petitioner had made a statement that *"I accept the amount as offered to me by the appellant as full and final settlement of my claim. I have also handed over the original bond vide certificate No.1173917 to counsel for the appellant"*. Thereafter, the petitioner also filed an application under Section 27 of the Act which was disposed of by the Forum vide its order dated 27.12.2011. On 7.10.2011, the grandfather of the petitioner made a statement that *"I have received cheque No.004778 dt. 22.6.2011 for `12493/- drawn in favour of decree holder Jyoti on IDBI Bank. The JDs are still to pay more amount. I shall file the detail in respect thereof"*.

Now the petitioner has approached this Court alleging that the compromise effected by her grandfather was not legal.

I have heard learned counsel for the petitioner and after perusal of the record, am of the considered opinion that the allegation of the petitioner against her own grandfather that he had no authority to enter into a compromise is only an afterthought because at that time there was no denial to the fact that he had appeared, suffered a statement and entered into a compromise before the State Commission. Thus, I am of the considered

opinion that there is hardly any merit in the present petition and the same is hereby dismissed.

12.12.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No