

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2019

CORAM

THE HONOURABLE **Mr.JUSTICE N. SATHISH KUMAR**

C.R.P.NPD.No.1521 of 2009

Mrs.Naseema Begum
rep. by her Power of Attorney Holder
Mr.N.A.Kader Mohideen
No.4, Saint Xavier Street
Chennai-600 001.

... Petitioner

Vs

1 Emirates
1-C/D, 12/13, Riaz Garden
Kodambakkam High Road
Chennai-600 034.

2 Aero Star Travels (P) Ltd.
769, Anna Salai
Chennai-600 002.

3 Eurolink Tours and Travels
80 Thambu Chetty Street,
Chennai - 600 001

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 29.05.2008 and made in F.A.No.555 of 2005 on the file of the State Consumer Disputes Redressal Commission, Chennai confirming thereby the order dated 11.08.2005 made in O.P.No.356 of 2004 on the file of the District Consumer Disputes Redressal Forum, Chennai -North and to set aside the same in so far as it absolves the first respondent of its

liability to pay compensation, directing the first respondent also to pay compensation to the petitioner.

For Petitioner : Mr.S.Sadasivan

For Respondents : No appearance for R1 and R3.
: R2- No such company.

ORDER

This revision petition has been filed as against the order dated 29.05.2008 made in F.A.No.555 of 2005 on the file of the State Consumer Disputes Redressal Commission, Chennai, confirming the order dated 11.08.2005 made in O.P.No.356 of 2004 on the file of the District Consumer Disputes Redressal Forum, Chennai -North.

2. The brief facts of the pleading to file this revision is as follows:

(i) The petitioner with her child proceeded to Dubai from Chennai Airport by flight EK 541 of the first respondent at 9.10 a.m. On 05.09.2003. The journey was booked under PNR BC 2Y5S. The tickets were purchased on 29.08.2003 from the second respondent through the third respondent. The journey status was noted as 'OK' as indicated in the tickets. The journey was categorized under 'Business Class'. Even though the first respondent promised to

provide a baby cradle in the front row, the facility was not provided to the child. On 03.09.2003 at about 3.30 p.m. the petitioner received a phone call from the first respondent seeking to ascertain whether the proposed journey would be performed on 05.09.2003 as fixed already and she answered in the affirmative.

(ii) On 05.09.2003, the petitioner with her child accompanied by her attorney and the other members of the family of the attorney turned up at the Chennai International Airport at 7.15.a.m. The petitioner reported at the check-in counter of Emirates. The person in charge of the Counter informed that the names of the petitioner and her child were not found in the list of passengers. The petitioner's father explained to the said person that there could be no reason for the missing of the names of the petitioner and her child from the list of passengers after the status of 'OK' in the tickets. After that, the petitioner and her child were allowed to perform the journey after 30 minutes and the delay of 30 minutes caused great mental agony, strain and stress to the petitioner and her family members.

(iii) The petitioner had sent various letters to the first respondent for compensation, for which, the reply was also sent by the first respondent. The several correspondence between the

parties, wherein the petitioner has alleged deficiency in service on the part of the opposite parties who made to wait for more than 30 minutes due to lethargic attitude of the opposite parties. Hence the petitioner, praying for a direction to the opposite parties to pay the sum of Rs.1 lakh together with interest at 24% per annum till realization and to pay the cost of the complaint.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The main contention of the revision petitioner before this Court is that the Commission fasten the liability on the second respondent. However, the first respondent was exonerated by challenging the above order, this revision petition is filed.

5. Any person aggrieved by an order of the State Commission, an appeal will be maintainable before the National Commission under Section 19 of the Consumer Protection Act, 1986 and such appeal should be filed within a period of thirty days (30) from the date of the order . Therefore, the revision petition challenging the State Consumer Disputes Redressal Commission's order is certainly not maintainable.

6. Accordingly, this revision petition is dismissed.

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msv

Index:Yes/No

Internet:Yes/No

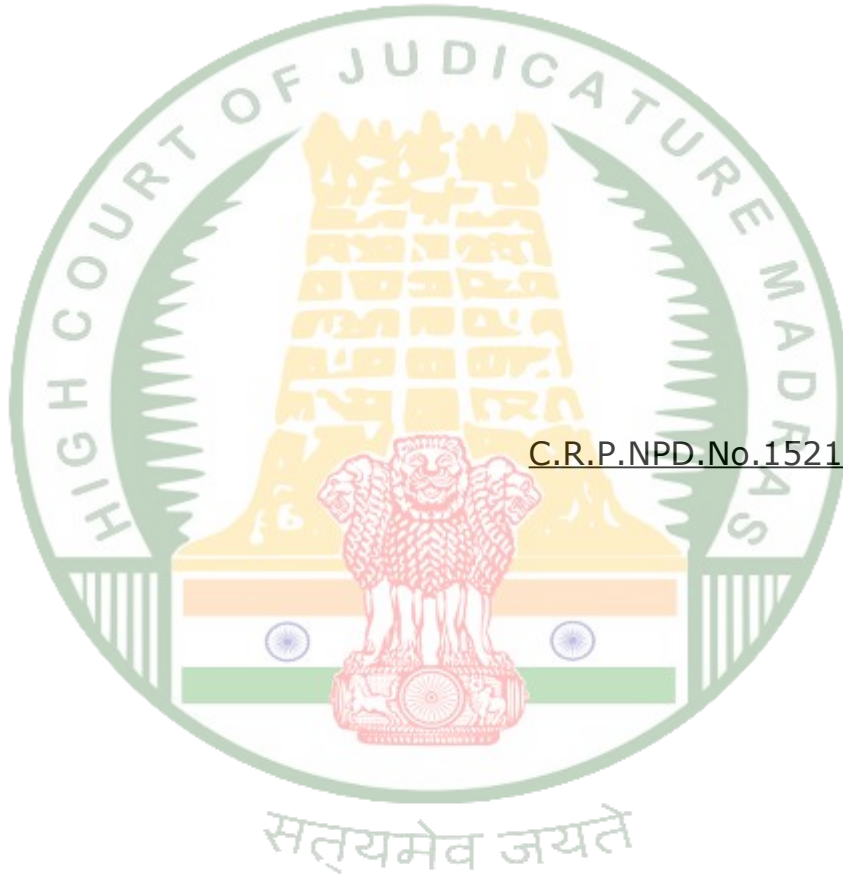
Speaking order : Non-speaking order



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N. SATHISH KUMAR,J.

msv



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