

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CRP. (PD) No.3866 of 2019

M/s Beauty Wars,
Rep. By its Managing Director, S.Sivakumar
through his (POWER AGENT)
prasanth Raju (Accountant) ... Petitioner

Vs.

The Chief Manager,
South Indian Bank Ltd.,
100 Feet Road,
Gandhipuram,
Coimbatore. ... Respondent

Civil Revision Petition is filed under Article 227 Constitution of India to set aside the fair and decreetal order passed by the learned District Consumer Disputes Redressal Forum, Coimbatore, in C.C.Sr.No.218 of 2016 and direct the forum below to take the petitioner's complaint on file.

For Petitioner

: Mr. Gokul

For Respondent

: Mr.S.Pradeepan

for M/s.A.V.Radhakrishnan

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O R D E R

This petition is filed to set aside the order passed by the District Consumer Disputes Redressal Forum, Coimbatore in C.C.Sr.No.218 of 2016.

2.The learned counsel for the petitioner submitted that he obtained loan of Rs.2,25,00,000/- as a term loan on 29.12.2010. The petitioner having not satisfied with the service of the respondent shifted loan amount to M/S Yes Bank. Then M/s. Yes Bank, taken over cash credit facility of the petitioner by paying the entire loan to the respondent. The entire amount due from the petitioner to the respondent was closed. However, the respondent debited excess amount of Rs.2,75,300/- without any base. On enquiry, it revealed that this amount was debited as a charge for pre closure of term loan. This charge of Rs.2,75,300/- for pre closure of term loan is not in accordance with the terms of the agreement and under law. Therefore, the petitioner filed a complaint before the District Consumer Disputes Redressal Forum, Coimbatore, claiming a sum of Rs.2,75,300/- and also a sum of Rs.10,00,000/- as compensation towards mental agony caused to the petitioner. This complaint was returned by the District Consumer Disputes Redressal Forum, Coimbatore, saying that "the amount involved is Rs.1,25,52,702/- ie., more than Rupees One Crore for

which this forum has no pecuniary jurisdiction. Challenging this order, this Civil Revision petition is preferred.

3.The learned counsel for the petitioner submitted that taking the loan amount the return of the complaint that it has no pecuniary jurisdiction is not correct. Therefore, prayed for setting aside the order of the learned trial judge and for direction to entertain this complaint and dispose it in accordance with law.

4.The learned counsel for the respondent opposed the submission of the learned counsel for the petitioner and submitted that the order was passed taking into consideration, the entire transaction and therefore, there is nothing illegal about this order.

5.Section 11 of Consumer protection Act 1986 deals with jurisdiction of the District Forum. Section 11(1) reads as follows:

"11(1). Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed [does not exceed rupees twenty lakhs]"

It is made clear from this Section that if the value of the goods or services

and compensation, if any claimed does not exceed Rs.20,00,000/-, The District Consumer Disputes Redressal Forum, Coimbatore, has pecuniary jurisdiction. In the case before hand the value of the claim is Rs.2,25,000/- and the compensation claimed is Rs.10,00,000/-. This claim is well within pecuniary jurisdiction of District Consumer Disputes Redressal Forum, Coimbatore. Taking the value of the loan amount of Rs.1,25,52,702/- and returning the complaint stating that the District Consumer Disputes Redressal Forum, Coimbatore, has no pecuniary jurisdiction is obviously not correct and in accordance with law. Therefore, the order of the learned trial judge in C.C.Sr.No.218 of 2016 dated 13.05.2019 is set aside. The District Consumer Disputes Redressal Forum, Coimbatore, is directed to entertain the complaint and dispose the complaint on merits and in accordance with law. Resultantly, this Civil Revision Petition stands allowed.

6.Considering the fact that complaint was filed in the year 2016, the learned trial judge is directed to dispose the complaint as expeditiously as possible preferably, within three months from the date of receipt of a copy of this order.

29.09.2021

Index: Yes / No

Speaking order / Non speaking order

vsn

Copy To:

The District Consumer Disputes Redressal Forum,
Coimbatore,



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G.CHANDRASEKHARAN. J.,

vsn



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