JORMAL V. RAJASTHAN TRACTOR MACHINERY & ANR.

1. JORMAL
S/O JASSU, R/O VILLAGE NASOPUR, TEHSIL RAMGARH,
DISTT. ALWAR
RAJASTHAN

……..Petitioner(s)

Versus

1. RAJASTHAN TRACTOR MACHINERY & ANR.
THROUGH MANAGER,RADHU MARG,
ALWAR
RAJASTHAN
2. ESCORTS LTD.(FARM TRACK TRACTOR)
THROUGH DIRECTOR, HEAD ALL INDIA, SALES AND
PRODUCTS SUPPORT 18/4, MADHURA ROAD,
FARIDABAD-121007
HARYANA
3. Deleted vide order dated 08.12.2016

……..Respondent(s)

Case No: REVISION PETITION NO. 1125 OF 2016

Date of Judgement: 06 Jan 2023

Judges:

HON’BLE MR. C. VISWANATH,PRESIDING MEMBER
HON’BLE MR. SUBHASH CHANDRA,MEMBER

For the Petitioner : Mr J P Singh, Advocate with
Ms Reema Chauhan, Advocate
For the Respondent : For Respondent no.1 NEMO

For Respondent no.2 Mr Siddhant Singh and Mr Yashraj Singh

Deora, Advocates
For Respondent no.3 NEMO

Facts:

Petitioner Jormal purchased a tractor from Respondent 1 (Rajasthan Tractor Machinery) for Rs. 5,88,000/- on 27.02.2013. The tractor could not be registered by R1 as another tractor with same engine number was already registered. Petitioner approached R1 several times for registration but it was not done. Petitioner filed consumer complaint seeking replacement of the tractor or correction of engine number. District Forum order partly allowed complaint and directed R1 and R2 (Escorts Ltd.) to correct engine number and register the tractor within 3 months. It also awarded compensation of Rs. 25,000/- for harassment. Petitioner approached State Commission in appeal instead of complying with District Forum order. State Commission dismissed appeal finding no infirmity in District Forum order. Petitioner has filed this revision petition seeking setting aside of State Commission order.

Arguments by Petitioner:

An old tractor was sold to him which could not be registered. District Forum found deficiency in service and ordered for correcting engine number. The State Commission order be set aside and District Forum order be modified to direct respondents to supply a new tractor.

Arguments by Respondent 2:

Matter already compromised between parties through Lok Adalat order dated 11.04.2019. Settlement amount paid and tractor also registered after completing required formalities. As per Section 21(2) of Legal Services Authorities Act, no appeal lies against Lok Adalat order. Revision petition be dismissed.

Court's Observations and Decision:

It is undisputed that petitioner purchased the tractor from R1 which could not be registered due to engine number issue. Chassis number of tractor sold to petitioner is different than the already registered tractor. Necessary clarifications sought from parties during re-hearing. It was found that matter already compromised through Lok Adalat settlement dated 11.04.2019. Terms include payment of settlement amount, registration fees, insurance etc. which have been complied with. As per Section 21(2) of LSA Act, Lok Adalat order is binding and no appeal lies against it. In view of settlement, nothing survives in revision petition which is accordingly dismissed.

Relevant Provisions:

Section 21 of Consumer Protection Act – Revisional powers of National Commission Section 21(2) of Legal Services Authorities Act – Lok Adalat order to be final and binding

Cases Referred: None

Conclusion:
Revision petition dismissed as matter already compromised between parties through mutual settlement before Lok Adalat.

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Full Text of Judgment:

1. This revision petition has been filed under section 21 of the Consumer Protection Act, 1986 (in short, the 'Act') assailing the order dated 21.01.2016 of the Rajasthan State Consumer Disputes Redressal Commission, Jaipur (in short, 'the State Commission') in appeal no. 157 of 2015 filed against the order dated 28.01.2015 in complaint case no. 1554 of 2013 of the District Consumer Disputes Redressal Forum, Alwar (in short, 'the District Forum').
2. In brief, the facts of the case, as stated by the

petitioner, are that the petitioner who is an agriculturist by profession had purchased a tractor Model Farmtrac – 60 Valuemaxx with serial no., T2269169, Chassis no. T2269168, Engine no.E2259931 for a sum of Rs.5,88,000/- from respondent no.1 on 27.02.2013. This tractor was undertaken to be registered by respondent no.1 with the Transport Authority. However, this could not be done on account of the fact that a tractor with the same engine number had already been registered by the concerned Transport Authority. The petitioner approached the respondent several times asking for the registration process to be completed which has not been done yet. Consequently, the tractor has been off the road ever since and the petitioner has not been able to use it. The petitioner approached the District Forum in Consumer case no. 1554 of 2013 seeking relief of replacement of the tractor. The District Forum vide its order dated 28.01.2015 allowed the complaint partly and ordered as under:

"The complaint filed by the complainant against the OPs is allowed and ordered the OP nos.1 and 2 shall immediately correct the engine number of the complainant tractor and should affect the registration of his tractor within a period of three months and hand it over to the complainant. The complainant is directed to produce his tractor and hand over it to the dealer, i.e., OP no.1 within 30 days from the date of order. The OP no.1 and 2 jointly or severally shall pay Rs.5000/- as cost of this complaint and shall pay Rs.25,000/- by way of physical and mental torture caused to the complainant. This amount shall be paid to the complainant by OP no.1 and 2."

3. The order of the District Forum could not be complied with as the petitioner did not take the tractor to the respondent. Instead, the petitioner approached the State Commission in appeal. The State Commission dismissed the appeal as not maintainable, as below:

"It is not disputed fact that the appellant has purchased the tractor from the OP no.1 and thereafter, the appellant found that wrong Engine number has been punched, but the fact of

delivery of old tractor to the complainant has not been raised before the below learned District Forum. But only raised objection about the wrong engine number and the OP has not tried to correct the same. In such situation, the learned District Forum found deficiency in service and order passed accordingly and there is no error in the impugned order and the appeal is not maintainable and accordingly dismissed."

4. We have heard the learned counsel for the petitioner as well as respondent no.2. None appeared on behalf of respondent nos.1 and 3.

5. It is seen from the records that it is not disputed that the tractor Model Farmtrac 60 Valuemaxx was purchased by the petitioner from the respondent on 27.02.2013. It could not be registered as assured by the respondent on account of the fact that a tractor with engine number E 2259931 was already registered. However, there was a discrepancy only in the engine number and the chassis numbers of the two tractors are different. The petitioner had approached the respondent claiming that the tractor be replaced since an old tractor had been sold to him. The District Forum had directed the respondent to have the tractor registered after stamping the correct engine number on production of the vehicle before it by the petitioner. As the petitioner had sought replacement of the tractor, he chose to approach the State Commission in appeal. The State Commission dismissed the appeal on the ground that there was no order for replacement of the said tractor. The petitioner is before us with the prayer that since the District Forum had concluded that there was deficiency in service, the order dated 21.01.2016 of the State Commission be set aside and the order dated 28.01.2015 passed by the District Forum, Alwar be modified to direct the respondent to supply a new tractor to the petitioner.

6. It is evident from the records that the petitioner had indeed purchased the tractor in question and it was also used for some time. The tractor had also been serviced by the respondent no.1 on three occasions on 27.04.2013, 03.05.2013 and 21.08.2013. It is also admitted by the respondent no.1

that the registration of the tractor could not be done since another tractor with the same engine number had already been registered earlier. It is the petitioner's contention that the tractor sold to him was an old one; however, respondent no. 1 has contended that the chassis number of the tractor sold to the petitioner is different from the tractor which was registered earlier with the Transport Authority, Alwar, and therefore, only the engine number needs to be corrected and stamped on the engine of the tractor in question.

7. The complaint was listed for re-hearing for seeking certain clarifications from the parties with respect to the facts relating to the tractor. Both parties were represented by their learned counsels after notice. During submissions it was clarified by the learned counsel for respondent no. 2, that this matter had been settled between the parties by way of a compromise before the Lok Adalat on 11.04.2019. As per the terms of compromise, the respondents paid Rs.30,000/- through cheque dated 04.04.2019 to the petitioner. They also paid the requisite registration fee of Rs.11,000/- by way of Demand Draft to the D.T.O., Alwar in respect of the registration of the tractor in question, in the name of the petitioner and completed its insurance requirements with New India Assurance Company Ltd. by making the payment of premium of Rs.8,852/-. Necessary documents to this effect have been filed at the bar today. It is submitted by learned counsel for respondent no. 2 that as per Section 21 (2) of the Legal Services Authorities Act, 1987, the award of the Lok Adalat is to be treated as "final and binding on all the parties to the dispute, and no appeal shall be to any court against the award". It is, therefore, submitted that this Revision Petition may be dismissed.

8. Learned counsel for the petitioner does not dispute that compensation was accepted by the petitioner.

9. In view of the foregoing nothing subsists in the petition. The matter stands compromised between the parties and the petitioner's tractor has been registered by the concerned Transport Authority after due process being followed. The

revision petition is, therefore, dismissed with no order as to costs.