

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION HAMIRPUR, DISTRICT HAMIRPUR, H.P.**

Date of Institution: 07.06.2023

Date of final hearing: 17.05.2024

Date of Pronouncement: 17.05.2024

Consumer Complaint No.-364/2023

IN THE MATTER OF

1. Balbir Singh S/o Lakshari Ram R/o VPO Aghar, Tehsil & Distt. Hamirpur (HP).

2. Rajesh Kumar S/o Partap Singh R/o VPO Baroti, Tehsil Bijhari, Distt. Hamirpur (HP).

(Through: Mr. Ashwani Kumar, Advocate)

.....Complainants

Versus

Deep Photography C/o 84 G Block B.R.S Nagar Ludhiana opposite Charry Lane Play School Ludhiana (Punjab) 141012.

(Already Ex-parte)

.....Opposite Party(s)

CORAM:

President: Mr. Hemanshu Mishra

Members: Ms. Sneh Lata & Mr. Joginder Mahajan

Present:- Ms. Samiksha, Advocate for complainant.

Opposite party already ex-parte.

PER: Mr. Hemanshu Mishra, President:-

O R D E R

The complainant has filed instant complaint seeking direction to the opposite party(s) as under:-

(i) That opposite parties may kindly be directed to refund Rs.1,10,000/- along with interest @ 18% per annum.

(ii) That the opposite parties also be directed to pay Rs.10,000/- as damages or expenditure incurred by the complainant visiting the office of

opposite party so many times for visit the spot and make the payment.

(iii) Compensation to the tune of Rs.20000/- on account of mental agony, harassment suffered by the complainant.

(iv) The litigation expenses of Rs.20,000/- for filing and pursuing the present complaint.

2. Brief facts giving rise to the present complaints have hired the opposite party as wedding photographer in the marriage of their son and daughter namely Puneet Thakur and Neha. The opposite party agreed and booked the marriage with complainants to the sum of Rs.1,20,000/- and opposite party came in the marriage on 23-01-2022 & 24.01.2022. The opposite party prior to this marriage, shoot pre-wedding video of the marriage. The complainant has paid a sum of Rs.48,000/- prior to the marriage as booking amount through different online transaction and the sum of Rs.62,000/- has been paid on the date of marriage. The opposite party after the marriage handed over the wedding videography to complainant and assured that he will hand over the album of the marriage photograph after some time. The complainant approached the opposite party in the month of November, 2022 to hand over the album of the wedding, but opposite party linger on the matter one pretext to another. The complainant agreed to pay remaining amount of Rs.10,000/- to the opposite party as and when opposite party will hand over the wedding photograph Album, but the opposite party failed to do so. Alleging deficiency in service on behalf of opposite party(s), complainant has preferred the present complaint.

3. Notices were sent to opposite party(s) by this Commission, which were duly served, but none appeared on behalf of opposite party(s) and opposite party(s) were proceeded ex-parte.

4. The complainant was called upon to produce evidence. In order to prove his complaint, complainant has filed affidavits Ext.CW-1 and CW-2 and closed the evidence.

5. On the other hand, opposite party despite of valid service did not bother to contest the complaint and opted to remain ex-parte.

6. We have heard learned counsel for the complainant and have gone through the case file minutely.

7. Perusal of record shows that the complainant has sent registered notice through Advocate Sh. Ashwani Kumar Thakur on 27.02.2023 to the opposite party for handing over the wedding photograph Album. This legal notice is sent through registered post. Postal receipt is also appended by the complainant.

8. We have gone through the affidavits of the complainants. Marriage in a family is lifetime memory and to keep the happy moments alive forever, the complainants have engaged the opposite party for taking photographs and handing over the same in a shape of Album, but the opposite party has only handed over the video of the marriage and no Album of the marriage was handed over to the complainant despite of receiving the consideration amount, the complainant was ready to pay remaining Rs. 10,000/- to the opposite party.

9. As opposite party despite of valid service did not bother to contest the complaint and opted to remain ex-parte, thus, evidence adduced by the complainant remains unrebutted and unchallenged. There is no reason to disbelieve the cogent and convincing evidence adduced by the complainant. Accordingly, we observe that opposite party has committed deficiency in service and complaint deserves to be allowed. The complainant indeed has suffered harassment and financial loss and the loss of one time memorable

event is through cannot be assessed in terms of money, still the opposite party in our opinion is liable to pay compensation to the complainant to the tune of Rs.60,000/-.

10. Consequently, the complaint is partly allowed and opposite party is directed to pay an amount of Rs.60,000/- to the complainant within 30 days from the date of receipt of copy of this order, failing which, it will incur an interest @ 9% per annum from the date of complaint i.e. 07.06.2023 till its realization. Opposite party is also directed to pay litigation cost to the complainant to the tune of Rs.10,000/-.

11. Applications pending, if any, stand disposed of in terms of the aforesaid judgment.

12. A copy of this judgment be provided to all the parties free of cost as mandated by the Consumer Protection Act, 1986/2019. The judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.

13. File be consigned to record room along with a copy of this Judgment.

(Hemanshu Mishra)
President

(Sneh Lata)
Member

(Joginder Mahajan)
Member