

# Consumer Protection Digest

## On

### Airlines Services

**Adequate compensation** - Complainant was put to great inconvenience as flight was unnecessarily delayed – No assistance rendered by Air staff in searching the missing luggage – Compensation of Rs. 25,000/- enhanced to Rs. 50,000/- as adequate relief – 2011(1) CPC 211 N.C.

**Agent's liability** - Agent had taken pains of custom clearance and carrier delaying delivery - Agent should be indemnified in view of Sections 222 and 230 of Contract Act - 2008(3) CPC 76 N.C.

**Agent's liability** - Agent found negligence in discharge of his duty in securing air tickets - Directed to compensate to principal under Section 215 of Contract Act - 2000(2) CPC 700 Ker.

**Air authorities** - Air authorities not liable to refund amount spent on journey in violation of agreed terms - 1997(1) CPC 388 Chd.

—Goods entrusted to Air Authorities were found short - Authorities to pay compensation of Rs. 7,33,861/- with 18% interest - 1999(1) CPC 197 N.C.

--One of 3 bags was delivered after 3 weeks with stolen articles - Air Authorities directed to pay Rs. 22700/- with 12% p.a. interest - 2000(1) CPC 118 Chd.

--Travel agent failed to inform the complainant about prior condition of vaccination of yellow fever causing harassment to complainant - Agent directed to pay Rs. 10,000/- as compensation - 1996(2) CPC 31 Chd.

—Traveller failed to prove loss on account of missing a trip on particular date - Not entitled to compensation from Air Authorities - 1998(1) CPC 14 N.C.

--Complainant's bag containing valuables was lost during air journey on account of negligence of Air Authorities – Compensation of Rs. 15,804 with cost awarded by Fora below justified - 2014(3) CPC 239 N.C.

**Air Cargo** - Since Cargo remains under the charge of a Shipper until it is handed over to Custom authorities - Airport authority is not responsible for loss of Cargo Consignment - 1996(1) CPC 97 N.C.

**Airlines carrier** – Allegation that consignment was delivered to wrong consignee and proved by the complainant – Onus to prove lay on him – Relief granted by Fora below set aside - 2014(3) CPC 147 N.C.

--An Air Carrier lifting the consignment not obliged to inform a consignor about his statutory duties - It is not liable for detention of consignment due to fault of consignor - 2002(1) CPC 554 N.C.

**Air flight** – Air authorities cannot be compelled to lift weighty cargo within prescribed time - Safety of aircraft cannot be ignored - 2004(1) CPC 86 N.C.

--Air flight cancelled due to non availability of pilot - Cancellation of flight is not due to unexpected events - Complainant allowed compensation of Rs. 20,000/- with interest - *Air India Ltd. v. M.K. Abdul Majeed*, 2004(1) CPC 314 N.C.

--Air flight committed without any intimation to complainant ticket holder but no contact number was given on the passport copy due which information could not be given – OP not liable for deficient service - 2014(2) CPC 10 N.C.

--Air flight delayed in loading by one hour and 20 minutes due to mismanagement of Air Authorities – Complainant suffered due to delay in landing of flight – Order of Fora below allowing cost of air ticket with compensation upheld - 2014(1) CPC 85 N.C.

--Air flight was canceled due to bad weather – Order of State Commission declining to grant any relief to petitioner justified – Petition dismissed - 2014(1) CPC 657 N.C.

--Fora below granted relief to complainant for negligence in case of air flight without proper notice – Relief granted by Fora below set aside – Case remanded for fresh decision - 2014(2) CPC 554 N.C.

--O.P. rescheduled air flight without notice causing loss and mental agony – District Forum granted necessary relief – Order of State Commission reducing compensation unjustified – Impugned order set aside – Order of District Forum restored - 2014(3) CPC 609 N.C.

--Petitioner sent their driver to pick up the respondent on holiday trip to take them to airport but they were not present in the hotel room – OP cannot be held liable for any deficiency in service – Relief granted by Fora below set aside - 2014(2) CPC 548 N.C.

—Air flight cancelled without informing the complainant who had purchased the air ticket - Air authorities held liable to refund price of ticket with Rs. 5,000/- as compensation - *Satish Bagrodia v. M/s. Airdoot International*, 1996(2) CPC 403 Chd.

—Air flight delayed due to security checking - No privity of contract - Authorities cannot be burdened with liability - 1998(1) CPC 152 Chd.

—Air ticket for air travelling could not be confirmed due to short notice under Rules - Relief declined - *Amarjit Singh v. M/s. Spontaneous Travels (Private) Limited*, 2005(1) CPC 535 Chd.

--Air ticket purchased and seat was confirmed - Denial of seat at the last moment amounts to an unfair trade practice - However compensation reduced from one lac to Rs. 25,000/- only - 2003(2) CPC 323 Pb.

—Airlines - Loss of luggage - Complainant lost his luggage in air carrier due to gulf-war - Air India not liable as the loss was due to Act of Act - 1993 CPC 191 N.C.

—Allegation of complainant that he reached 5 hours before departure of Air Line not proved from record - Complaint stands dismissed - 2002(2) CPC 418 N.C.

—Burden of proving the allegation of prevention from boarding the flight in Air Craft lies on the complainant - Relief declined - 1994(2) CPC 171 N.C.

—Cancellation of confirmed ticket due to over sale of tickets amounts to deficiency in service - *Manager, Air India v. Saheed Rafeek*, 2004(1) CPC 126 Ker.

—Change in time of air flight due to technical snags resulting in loss - Complainant not entitled to any relief for loss of additional railway journey - 2000(2) CPC 513 A.P.

—Change in time schedule of air flight depriving complainant ticket holder of his journey - Respondent directed to compensate complainant for deficiency in service - 2002(2) CPC 446 N.C.

—Complainant could not board air flight despite having OK status ticket - OP directed to pay Rs. 20,000/- with 9% interest as compensation - 2003(2) CPC 446 Chd.

—Complainant failed to prove that he was deprived of benefit available under a tour package - Complaint stands dismissed - *Ramesh Dudhani v. M/s Jet Air Ltd.*, 2003(1) CPC 266 Chd.

--Complainant had to suffer financial loss due to cancellation of flight on vague grounds – State Commission rightly directed OP to pay compensation of Rs. 1 lac payable to the complainant - 2011(3) CPC 619 N.C.

--Complainant having air ticket was not allowed to board the flight as he failed to inform air authorities 72 hours before time of flight as per terms and contract – Relief declined – 2009(1) CPC 693 H.P.

--Complainant having air ticket was not given prior information qua cancellation of flight - Air authorities are liable for deficiency in service - *Station Manager v. Ms. Femina Zai*, 2008(1) CPC 350 N.C.

—Complainant having confirmed ticket was denied boarding due to over booking - Huge compensation of Rs. 25 lacs not permissible - Rs. 22,500/- with 12% interest and Rs. 5,000/- as cost held to be adequate - 2003(1) CPC 630 N.C.

--Complainant senior Advocate purchased return air tickets for Rs. 2,19,518 for a flight from Delhi to Dubai and Johannesburg – Defective seat was provided to ailing wife of complainant causing great discomfort – Ticket was later on canceled due to fault of agent of OP and they had to travel in business class in stead of 1<sup>st</sup> class – OP held liable for deficient service – 2009(2) CPC 517 Chd.

--Complainant was denied air flight to return back to India despite holding of a return flight air ticket – OP denied to reimburse complainant for causing unnecessary harassment – Relief granted by the State Commission upheld - 2013(2) CPC 552 N.C.

--Complainant was late in reaching the check-in-Counter and was denied boarding card - Not entitled to relief under Consumer Protection Act - 1992 CPC 677 N.C.

--Complainant was put to great inconvenience as flight was unnecessarily delayed – No assistance rendered by Air staff in searching the missing luggage – Compensation of Rs. 25,000/- enhanced to Rs. 50,000/- as adequate relief – 2011(1) CPC 211 N.C.

—Complainant, a doctor of 37 years ages suffered permanent disability due to fall from ladder by negligence of Air Staff - Held entitled to compensation of Rs. 5 lacs - 1996(1) CPC 665 N.C.

—Complainant's bag found ruptured and valuable articles missing during air journey - Air Authorities directed to pay Rs. 35,850/- with 9% interest and costs of Rs. 1,000 - 2004(1) CPC 155 Chd.

--Complainant's husband died in air crash - Air authorities directed to pay compensation of Rs. 30,95,968/- as final settlement - 2005(1) CPC 512 N.C.

—Complainant's ticket from Calcutta to Delhi was wrongly rejected by the I.A.C. ground staff - Deficiency in service proved - *H.S. Wadhwa v. Managing Director, Indian Airlines*, 1993 CPC 23 Chd.

--Complainants were denied boarding of plan despite confirmed tickets – Fora below rightly awarded compensation of Rs. 1 lacs with cost/compensation to each complainant – 2012(3) CPC 580 N.C.

--Complainants were not issued boarding passes as flight was full due to over booking but were provided seats for next flight on next day – Compensation of Rs. 20,000/- with cost of Rs. 3,000/- awarded by fora below is not on higher side – Revision dismissed – 2009(2) CPC 646 N.C.

--Complainants were not provided front seat on pre- booking - Non-vegetarian food was supplied against their will - Others occupied their seats unauthorisedly - O.P. directed to pay Rs. 80,000/- with 12% interest - *C.V. Nagesh (Sri) v. M/s. Egyptair*, 2005(2) CPC 25 Kar.

--Complainants' flight delayed by 36 hours due to 200% overbooking by OP – OPs directed to pay compensation of Rs. 25,000 with cost of Rs. 5,000 for committing unfair trade practice - 2012(2) CPC N.C. 290

--Delay in air- flight as complainants did not reach in statutory time – Contributory negligence proved – OP not liable to pay any compensation – But refund of ticket amount is justified - 2012(2) CPC N.C. 415

--Delay in Air flight causing inconvenience to passengers – Delay due to bad weather beyond control of Air Authorities – Passengers not entitled to any relief for inconvenience – 2011(2) CPC 511 S.C.

--Delay in air flight due to publication of necessary regulations in this respect – Air authorities directed to publish regulations in newspaper – 2009(3) CPC 151 N.C.

—Delay in flight due to reason beyond control of Air Authorities - Compensation declined - 1991 CPC 66 N.C.

—Delay in flight due to technical defect in Air craft - Authorities not liable for negligence - *Dr. A. Panneer v. Nopc Airlines*, 2000(1) CPC 282 T.N.

—Delay of 5 days in delivery of baggage containing articles of daily use by complainant-lady - Air authorities directed to pay Rs. 12,500/- as compensation - 1999(2) CPC 43 T.N.

—Delay of 5 hours in air flight due to technical snag in aircraft - Authorities directed to pay Rs. 11,000/- with 18% interest - *Col. B.S. Sandhu v. Air India Ltd.*, 1999(2) CPC 565 Chd.

—Engineers going on illegal strike causing loss to passengers - Engineers and not Airline are liable for deficient service - 1996(2) CPC 40 N.C.

—Food served to air traveler found containing broken glass particles - Air authorities directed to pay Rs. 5 lacs as compensation for deficient service - 2003(2) CPC 403 W.B.

--Harassment caused to the complainant due to rescheduled flight which was changed to travel through Rome – But complainant suffered humiliation by Italian authorities as he did not possess Italian visa – Air Authorities directed to refund the air ticket amount only – 2011(2) CPC 226 N.C.

—Harassment caused to traveler having confirmed ticket due to negligence of Air authorities - Complainant entitled to ticket price with 12% interest and Rs. 5000/- compensation - 2003(2) CPC 350 N.C.

—Huge loss caused to air passenger due to delay of 8 days in handing over his baggage - Grant of Rs. 1 lac as relief justified - 2002(1) CPC 256 Pb.

--In a case of deficient service provided by an authorities, reduction in relief made by the State Commission found to be reasonable – Impugned order upheld – 2011(2) CPC 554 N.C.

—Indian Airlines started its flight one day earlier than the prescribed day for which confirmed tickets were issued - Complainants entitled to Rs. 15,000/- as compensation - 2003(2) CPC 300 N.C.

--Information of cancellation of flight was not conveyed to air ticket holder but to agents of appellants - Appellant cannot escape its liability causing loss to air ticket holder - 2007(1) CPC 148 Delhi

--It is the paramount duty of the airlines services that passengers should be provided with the shortest and direct flight available to them by airlines – 2011(2) CPC 360 N.C.

—Landing of air bus at Delhi instead at Amritsar due to bad weather - Authorities not liable for deficient service particularly when no extra charges were paid to authorities - 2002(1) CPC 110 Pb.

--Loss of bag weighing 15 kg – Payment should be made at Rs. 200/- per kg under rules – Compensation also reduced from 10,000/- to Rs. 5,000/- only – 2009(2) CPC 559 Kar.

--No loss was caused to the complainant by arrangement of alternative flight – It is within the domain of Air Authorities to make such charges on the basis of administrative convenience – OP not liable for any deficiency in service - 2013(2) CPC 668 N.C.

--OP changed air route from Beijing to Dubai instead to Beijing to Delhi without prior notice causing huge loss to the complainant – OP directed to pay Rs. 1,50,000/- as compensation without interest and cost – 2009(3) CPC 523 N.C.

—Passengers suffering loss due to over stay by mistake of Travel Agent - Remedy lies against the agent only - 1996(2) CPC 75 N.C.

—Pilot strictly adhered to time limitation set in Scheme driven by Indian Airlines - Not liable for deficiency in service - 1997(2) CPC 100 N.C.

—Respondent No. 1 failed to insert ticket number in Computer and complainants could not to avail air flight - Complainants held entitled to total compensation of Rs. 65,000/- with 8% per annum interest - *Kanwal Travels Private Limited (M/s.) v. Shri Gural Singh*, 2004(2) CPC 121 Chd.

--Rs. 4085/- paid for air ticket to travel by King Fisher but seat given in Air Deccan whose fare was Rs. 2715/- - OP directed to refund excess amount with compensation of Rs. 25,000/- and cost of Rs. 5,000 – 2009(2) CPC 551 Kar.

—Seat not provided in Air Craft despite confirmed Air ticket - Failure of computer system for causing mistake is no defence - 2002(2) CPC 99 N.C.

--State Commission awarded compensation on higher side for allotting defective seats to respondents – Compensation reduced by directing allotment of return air ticket or pay Rs. 1,50,000 with cost - 2012(2) CPC N.C. 581

--The authority issued ticket knowing fully well that seat was not available - Directed to pay Rs. 20,000/- for deficient service - 2001(2) CPC 504 Pb.

**Air India** - 8 out of 12 cartons of sarees entrusted with Air India were found missing - Air India directed to pay the price of goods with Rs. 3 lakhs as compensation - 1998(1) CPC 217 N.C.

—A package containing a T.V. Set lost at Delhi Airport - *Air India Authorities held liable to pay compensation in dollars* - 1997(1) CPC 364 Chd.

—Air India is not liable for any deficiency in service committed by a Travel Agent under Consumer Protection Act - 1996(2) CPC 75 N.C.

—Necessary instructions not given for delivery of consignment - Air authorities not liable for loss - 1996(2) CPC 438 N.C.

**Air India's negligence** - Goods sent through Air carriage lost but found after four years which were purchased by World Trade Corporation – Air India directed to pay value of goods amounting to Rs. 2,40,187/- with interest and cost for negligence of its officials – 2009(3) CPC 67 N.C.

**Air Journey** - 3 out of 6 suit cases were left and returned after 3 days by Air Authorities causing harassment to complainants family - Air authorities held liable for deficiency in service - *Aeroflot Russian International Airlines (M/s.) v. Shri Inderjit Singh Jaijee*, 1998(2) CPC 444 Chd.

—A sum of Rs. 45,000/- paid for 4 months journey but journey for two months was covered for which more amount had to be spent - O.P. held liable for deficient service - 2005(1) CPC 76 Chd.

—Air authorities failed to allow seats as per agreement in return journey - Complainant entitled to Rs. 52,500/- with 9% interest - 2005(2) CPC 689 Kar.

--Air ticket with mention of OK status - Refusal to air journey without reasons amounts deficiency in service - *Onkar Travels (M/s.) v. Sh. Manjit Singh Dhooria*, 2002(2) CPC 523 Chd.

—Complainant bag had broken during air journey - OP liable to pay loss under Rule 22(2) of Schedule to Carriage by Air Act - 2003(2) CPC 40 N.C.

—Complainant had to follow different routes in his return journey due to negligence of authorities - OP directed to pay Rs. 5000/- as compensation to each complainant - 2003(2) CPC 358 N.C.

--Complainant had to spend huge sum due to wrong booking by OP - OP liable for deficiency in service - Plea of OP regarding lack of privity of contract not acceptable - *Grand Travel Planners (P) Ltd. v. Jaswant Kaur*, 2008(2) CPC 575 Chd.

—Complainant suffered during the journey due to negligence of respondent - Rs. 30,000/- awarded as compensation - 1996(1) CPC 547 T.N.

--Complainants were wrongly denied journey though they had return journey air ticket upto future period – Amount not returned in view of terms of a scheme which was never explained nor clearly mentioned on air ticket – OP rightly held liable to refund the price of air ticket with costs - 2013(1) CPC 571 N.C.

—Lady passenger was disallowed to carry her bag containing valuables at the last moment when plane was to take off - O.P. directed to pay Rs. one lac as compensation - 2004(1) CPC 291 Pb.

—Loss of bag containing valuable items during air journey - Compensation of Rs. 20,000/- awarded as prescribed by Air Act - 2006(1) CPC 651 N.C.

—OP refused complainant to put on flight on the pretext of overloading despite giving confirmed ticket - Air authorities directed to pay compensation of Rs. 5 lakh for rendering deficient service - 2006(1) CPC 293 Pb.

--Several changes were introduced in tour programme by OP without prior information –

Order of Forum granting Rs. 80,000 as compensation upheld - 2010(3) CPC 572 N.C.

—Sudden change in schedule of Air Journey causing financial loss to complainant traveller - Each complainants allowed compensation of Rs. 70,000/- - *Himesh Sabhlok, Director, United Airliners (Pvt.) Ltd. v. Mr. Satish Kumar Bansal*, 2002(2) CPC 208 Chd.

—Variation in dates of return journey by air ticket agent without reason - Complainants held entitled to Rs. 15,000/- each as compensation - 2006(1) CPC 299 Chd.

**Air lines** - Boarding denied to confirmed ticket holders - Complainant failed to report in time - Reached airport much after counter was closed - No relief entitled - 2008(3) CPC 59 N.C.

--Air Authorities are not liable for loss to complainant's luggage in heavy rain due to a bomb threat - 1994(2) CPC 569 N.C.

--Airlines released consignment to unauthorized person causing huge loss to the consignor - OP Airlines directed to compensate the complainant by refunding value of goods and refund of freight with interest and cost - 2009(3) CPC 460 N.C.

--Cancellation of flight by airlines without justification causing harassment to complainant - Complainant entitled to a sum of Rs. 17,000/- as compensation/costs - *Mohinderjit Singh Sethi, Sr. Advocate v. The Indian Airlines*, 2001(2) CPC 492 Chd.

—Claim for loss of suit case not filed within limitation prescribed by Carriage by Air Act - Complaint under Consumer Protection Act not maintainable - *Pakistan International Airlines v. Sanjeev Wadhwa*, 2005(1) CPC 293 N.C.

—Complainant suffered injuries as he was not provided wheel chair at air port - Air authorities directed to pay Rs. 17000/- as compensation - *L.R. Gupta v. Singapore Airlines Ltd.*, 2002(1) CPC 177 Delhi

--Flight cancelled due to adverse weather conditions - Complainant failed to discharge onus of proof regarding negligence of OP - Order of State Commission granting relief set aside - 2012(1) CPC 109 N.C.

--Front row seat requested by senior citizen - Defective seat at back in last row given - Deficient service proved in selling defective seat - Unfair trade practice adopted in upgrading economy passengers - Directed to pay compensation of Rs. 2 lakh and costs - 2008(2) CPC 385 N.C.

--Loss of goods - Goods sent through O.P. air lines lost in transit - Compensation allowed by State Commission reduced as complainant had not declared nature and value of goods - 2012(1) CPC 512 N.C.

—Members of Flight Engineers Association disrupting air flight due to illegal strike cannot escape their liability - 1996(2) CPC 40 N.C.

—Mere negligence of Air authorities does not constitute a willful default - 1996(2) CPC 434 N.C.

--Miles and more scheme - Tickets not confirmed - Consumers allured to start - Deficiency in service on the part of petitioners is not confirming wait listed tickets - Denial of benefit of traveling schemes amounts to deficiency in service - 2012(1) CPC 107 N.C.

—No complaint lodged regarding damage caused to T.V. Set when returned to complainant by Air authorities - Airlines Authorities not liable for deficient service - 2002(1) CPC 110 Pb.

—Non delivery of consignment due to negligence of Airlines - Complainant entitled to 940 US\$ with 5,000/- costs - 2002(1) CPC 281 N.C.

--OP airlines refused to board flight to complainant despite confirmed return airlines ticket - OP directed to refund difference of price of two air tickets i.e. Rs. 19,869 with compensation of Rs. 50,000 - 2010(3) CPC 447 Chd.

**Airlines liability** - Traveller's baggage registered with Airlines found tampered with alongwith missing of some articles - Directed to pay Rs. 12,000/- with 18% p.a. interest and cost Rs. 500 - 2007(2) CPC 692 N.C.

**Air lines service** - Boarding of plane was denied despite confirmed air ticket - Complainant held entitled to ticket cost and journey expenses with interest - Speculative compensation declined - 2006(1) CPC 23 N.C.

—A travel agent is not a person to assure extension of air ticket which comes within exclusive jurisdiction of air authorities - 2005(2) CPC 664 Chd.

--Air Authorities failed to start air flight in scheduled time despite receiving amount for 315 air tickets – The plea that permission to start journey by Air Authority of India was not given is no excuse – Refund with 6% interest allowed – 2010(1) CPC 722 N.C.

--Air flight could not be possible due to non-availability of seats on particular route - Authorities not liable for negligence - 1998(1) CPC 14 N.C.

--Airlines refused to resume air service and nor it refunded the air tickets price – OP held liable for deficiency in service for violation of terms of agreement - 2010(2) CPC 77 N.C.

--Airlines return journey ticket no bearing seal of issuing office in India - Foreign Airlines not liable for default of ticket issuing agent of Indian Airlines Services - 2001(1) CPC 487 Delhi

--Airlines were directed to refund ticket amount for non allotment of seats – Award of interest not justified when compensation has also been granted in lump sum - 2011(3) CPC 280 N.C.

--Travel plan got disrupted due to fault of complainants – They were provided hotel accommodation without any charge and without any cancellation charges – Passports did not bear ECNR stamp – Deficiency in service not proved - 2014(1) CPC 72 N.C.

--Air authorities denied travelling by airlines despite air ticket as complainant was not having Passport or Voter ID card as required – OP not liable for deficiency in service - 2014(3) CPC 368 N.C.

--Complainant suffered loss due to damage to baggage during international journey – Relief rightly granted by District Forum under relevant rules – Prayer for enhancement of compensation cannot be accepted - 2014(1) CPC 294 N.C.

—Cancellation of booking of seat without any message though e-mail or Phone to passenger - Airline authority committed deficiency in service - Refund of amount ordered - 2008(2) CPC 3 N.C.

--Complainant Air ticket holder was denied seat by cancelling air ticket authorisedly and compelling to spend on ticket of other Airlines – OP is liable for deficiency in service – 2009(1) CPC 320 Delhi

—Complainant being member of airline scheme was wrongly denied right of traveling by United Airlines - OP rightly directed to pay amount of loss suffered by complainant with 9% interest and litigation cost - 2008(2) CPC 220 N.C.

--Complainant could not prove that he was entitled to travel on the desired routes by purchasing air tickets under the package by paying Rs. 50,000 - No deficiency in service proved – Refund of Rs. 50,000/- ordered – 2012(3) CPC 142 N.C.

--Complainant not allowed seat in air flight despite confirmed air ticket - Air authorities directed to pay compensation of Rs. 23,000/- and refund of ticket amount - *Indian Airlines Limited v. Dr. Savita Malhotra*, 2005(1) CPC 342 Chd.

--Complainant suffered due to negligence of airline service and non-refund of ticket amount – Refund of air ticket with compensation of Rs. 5,000/- upheld – 2009(1) CPC 654 N.C.

--Complainant was denied to carry laser equipment due to security implications – Act of OP does not constitute any deficiency in service – Relief granted set aside - 2012(1) CPC 392 N.C.

—Complainant was not permitted to board plane upon despite confirmed tickets - But some film actors were accommodated - OP liable to pay Rs. 15,000 with 12% interest and cost - 2006(2) CPC 187 N.C.

--Complainant was refused pass for boarding doubting validity of her document – Air authorities cannot deny issuance of pass on mere doubt – Relief granted to the complainant - 2013(1) CPC 28 N.C.

--Complainant's bag was lost during airline travelling - Order of State Commission awarding compensation of Rs. 50,000/- for mental agony justified - 2008(2) CPC 426 N.C.

--Complainants were forced to pay pre-ponement charges wrongly before permitting to board the flight – OP cannot escape his liability by saying that it was the fault of the agent - 2011(3) CPC 390 N.C.

--Complainants were negligent for reporting in time for air line journey - Not entitled to any compensation of account of their own fault - 2006(1) CPC 689 N.C.

--Complainant-student booked 6 suit cases with air authorities but was delivered 5 suit cases only - Air authorities directed to pay Rs. 30,000/- to complainant - 1997(2) CPC 417 Chd.

--Consignment sent by complainant but delivery was not taken due to which appellant/OP had to dispose of goods according to Rules – OP-Airlines committed no fault – Impugned order set aside - 2012(1) CPC 233 N.C.

--Consignment sent through Airways did not reach the destination – OP directed to refund value of goods with 9% interest and cost of Rs. 5 lacs for harassment – 2012(3) CPC 266 N.C.

--Contention of OP that cancellation of flight was due to development of snag in aeroplane – Contention not acceptable – OP directed to pay compensation of Rs. 50,000/- in lump sum for causing financial loss and mental agony – 2011(1) CPC 656 N.C.

--Date of journey was advanced by the petitioner due to his father's illness – He cannot seek refund for unused air tickets – 2012(3) CPC 307 N.C.

--Delay of 2 and half hours in flight due to waiting for another plane carrying stranded passengers which delayed due to technical snag – No irreparable loss suffered by complainant – Relief declined - 2013(1) CPC 241 N.C.

—Non-operation of flight - Airlines is duty bound to inform each passengers about cancellation of flights in advance - Deficient service proved - Compensation and cost awarded - 2007(2) CPC 597 N.C.

--State Commission awarded Rs. 50,000 as compensation in a case of Airline service which found to be on higher side – Amount reduced to Rs. 20,000 Order modified - 2012(2) CPC N.C. 181

--Ticket not re-confirmed on breaking of journey by Air Authorities and accommodation also denied – OP directed to pay compensation of Rs. 1 lacs with cost of Rs. 2500/- for deficiency in service – 2011(1) CPC 443 N.C.

—Traveller purchasing Air ticket from Traveling Agent Airline not responsible for not informing about change in time schedule - 1996(2) CPC 199 N.C.

**Air lines ticket** - Removal of seat - Complainant was unauthorisedly removed from his seat by the air staff - Held entitled to compensation of Rs. 10,000 - 1993 CPC 209 N.C.

--Air Authorities refused to refund ticket price on its loss - Refusal of refund in accordance with Airlines Rules - Act of Authorities justified - 2001(1) CPC 661 Kar.

—Air flight could not be availed despite purchase of air ticket from local agent - Agent is liable for deficiency in service - 2003(2) CPC 579 N.C.

—Air flight delayed due to security checking - No privity of contract between parties - Authorities cannot be burdened with liability - 1998(1) CPC 152 Chd.

--Award of worldpass given on purchase of tickets by Air authorities - Traveller cannot be denied the benefit in terms of agreement - 1998(1) CPC 14 N.C.

--OP booked ticket Kuala-Lumpur to Madras and status of booking was OK – After reaching Melbourne, complainant was informed that ticket was not booked and yellow sticker on ticket was fraud – Deficient service proved – Complainant entitled to compensation – 2011(1) CPC 302 N.C.

—Change in air schedule as desired by traveller - O.P. not bound to refund value of unused ticket - *Surinder Kaur Virk v. Area Sales Manager*, 2004(2) CPC 381 Chd.

—Cheque issued by travelling agent for refund of amount was dishonoured - Complainant entitled to refund of amount with 18% interest - 1996(1) CPC 95 N.C.

—Claim for refund of amount of Air ticket from travel agent without impleading the principal (Air India) - Relief declined - 2002(1) CPC 269 N.C.



—Complainant demanding too high compensation from Airlines Agency for deficient service - Directed to present the complaint before District Forum - 1996(1) CPC 497 T.N.

--Complainant had to abandon air journey and returned the 4 tickets - Only deduction 200/- (not Rs. 3000/-) per ticket allowed - *Grand Travel Planners (P) Ltd. (M/s.) v. Sh. J.S. Nat*, 2002(1) CPC 143 Chd.

--Complainant had to purchase another ticket as original was lost - Air authorities disallowing travelling without air ticket committed no deficiency in service - 1998(1) CPC 540 Pb.

—Complainant failed to avail journey on return ticket within stipulated period - Held not entitled to refund of amount spent on return journey - 1997(1) CPC 388 Chd.

—Complainant having air ticket not accommodated by Air Authorities - Authorities held liable for deficiency in service - 1998(1) CPC 8 Kerala

—Complainant purchased air tickets from Gulf Air Company, sale agents through their representative - Seats were not allotted - Sale Agent and its representative and not the Air Company held liable - *Datar Singh Bajar v. India Manager, Gulf Air*, 2001(2) CPC 611 Chd.

—No actual loss suffered by complainant by cancellation of booking as no payment was made to OP - No compensation can be granted in the facts of the case - 2006(2) CPC 443 N.C.

—Providing wheel chair to a passenger is included in consideration paid for purchase of air ticket - *LR. Gupta v. Singapore Airlines*, 2002(1) CPC 177 Delhi

--Checking of Airline ticket holder in goodfaith as measure of safety of passengers - Authorities not liable for negligence - 1997(2) CPC 618 N.C.

—Refund of amount of air ticket is permissible only if original ticket is produced and not otherwise - 2001(2) CPC 357 N.C.

**Air Ticket Agents** - Practice of exploitation by air ticket agents should be curbed with heavy hands - 2006(1) CPC 299 Chd.

**Air ticket refund** - Air Authorities failed to start air flight in scheduled time despite receiving amount for 315 air tickets – The plea that permission to start journey by Air Authority of India was not given is no excuse – Refund with 6% interest allowed – 2010(1) CPC 722 N.C.

**Air travelling** - Loss of baggage during air travelling - Complainant awarded adequate compensation to be paid in Indian Currency instead of American Dollars - *Ramesh Bhargava v. Continental Airlines Inc.*, 2003(2) CPC 438 Chd.

—Change in flight schedule at sweet will of traveller - Air authority not liable for deficiency in service - 2004(2) CPC 381 Chd.

—Air ticket sold by travelling agent showing OKAY status without Authority which resulted in great harassment to complainant - Traveling agent alone is liable to pay compensation of Rs. 20,000 - *Air India Ltd. v. D. P. Kochar*, 2007(2) CPC 99 Pb.

**Air traveller's death** - Death of the traveller on account of administration of wrong medicine not proved - Mere delay in conveying information of death by Air Authorities does not constitute a deficiency in service - 1999(1) CPC 599 N.C.

**Airbus landing** - Landing of air bus at Delhi instead at Amritsar due to bad weather - Authorities not liable for deficient service particularly when no extra charges were paid to authorities 2002(1) CPC 110 Pb.

**Aircraft training** - Relevant receipts of charges pertaining to flying and training hours not produced before Forum - Parties directed to produce it for adjustment of account - Case remanded - 2004(1) CPC 368 Chd.

**Airport Authorities** - Checking of Airline ticket holder in goodfaith as measure of safety of passengers - Authorities not liable for negligence - 1997(2) CPC 618 N.C.

—Loss of package before inspection - Airport Authority and Custom Authority held not liable for loss - 1995(2) CPC 496 N.C.

**Airways** - Suitcase missing - Suitcase was taken away from conveyor belt by some other passenger by mistake - It brought back next day by special arrangement got it delivered to complainant - Compensation of Rs. 5,000/- awarded by State Commission is adequate – 2009(1) CPC 197 N.C.

--Flight cancelled due to administrative reasons – Respondent made arrangement through another airlines – Complainant missed the flight as she did not reach before flight took off – Deficiency in service not proved – Not entitled to compensation – 2011(1) CPC 151 Andaman and Nicobar

**Alternative flight arrangement** - No loss was caused to the complainant by arrangement of alternative flight – It is within the domain of Air Authorities to make such charges on the basis of administrative convenience – OP not liable for any deficiency in service - 2013(2) CPC 668 N.C.

**Award** - Airlines agreed to give world-pass on purchase of air tickets - Authorities bound by terms of agreement - 1998(1) CPC 14 N.C.

**Bad weather condition** - Air flight was canceled due to bad weather – Order of State Commission declining to grant any relief to petitioner justified – Petition dismissed - 2014(1) CPC 657 N.C.

**Bomb threat** - Air Authorities are not liable for loss to complainant's luggage in heavy rain, due to a bomb threat - 1994(2) CPC 569 N.C.

**Callousness of petitioner** – Petitioner failed to prosecute its case before authority below by non depositing 50% of award amount in appeal – Petitioner not entitled to relief in revision petition – 2009(1) CPC 654 N.C.

**Cancellation of flight** - Contention of OP that cancellation of flight was due to development of snag in aeroplane – Contention not acceptable – OP directed to pay compensation of Rs. 50,000/- in lump sum for causing financial loss and mental agony – 2011(1) CPC 656 N.C.

--Complainant had to suffer financial loss due to cancellation of flight on vague grounds – State Commission rightly directed OP to pay compensation of Rs. 1 lac payable to the complainant - 2011(3) CPC 619 N.C.

**Carriage by Air Act** - Complainant bag had broken during air journey - OP liable to pay loss under Rule 22(2) of Schedule to Carriage by Air Act - 2003(2) CPC 40 N.C.

**Carrier's liability** - Airlines released consignment to unauthorized person causing huge loss to the consignor – OP Airlines directed to compensate the complainant by refunding value of goods and refund of freight with interest and cost - 2009(3) CPC 460 N.C.

**Cause of action** —Cause of action arose at Delhi - Simply that complainant resides at Hissar does not confer jurisdiction on Forum at Hissar - 1992 CPC 594 Hr.

**Change in air route** – OP changed air route from Beijing to Dubai instead to Beijing to Delhi without prior notice causing huge loss to the complainant – OP directed to pay Rs. 1,50,000 as compensation without interest and cost - 2009(3) CPC 523 N.C.

**Compensation** - Air travelling - Loss of baggage during air travelling - Complainant awarded adequate compensation to be paid in Indian Currency instead of American Dollars - 2003(2) CPC 438 Chd.

—Acceptance of claim as final settlement - Allegation of undue pressure not proved - Further relief declined - 2005(1) CPC 512 N.C.

--Complainant's bag containing valuables was lost during air journey on account of negligence of Air Authorities – Compensation of Rs. 15,804 with cost awarded by Fora below justified - 2014(3) CPC 239 N.C.

--Air Authorities failed to start air flight in scheduled time despite receiving amount for 315 air tickets – The plea that permission to start journey by Air Authority of India was not given is no excuse – Refund with 6% interest allowed – 2010(1) CPC 722 N.C.

—Air ticket sold by travelling agent showing OKAY status without Authority which resulted in great harassment to complainant - Traveling agent alone is liable to pay compensation of Rs. 20,000 - 2007(2) CPC 99 Pb.

—Amount of Rs. 12,000 found to be higher side - Compensation reduced to Rs. 8,000 in air flight case - 2002(2) CPC 523 Chd.

--Award of interest is not justified on the amount when compensation in cash also allowed by consumer Fora - 2011(3) CPC 280 N.C.

—Cancellation of flight by airlines without justification causing harassment to complainant - Complainant entitled to a sum of Rs. 17,000/- as compensation/costs - 2001(2) CPC 492 Chd.

—Complainant claimed huge sum for loss of a suit case during Air travelling - Liability of carrier cannot exceed the limit prescribed by Carriage by Air Act, 1972 - 2001(1) CPC 203 T.N.

—Complainant could not board air flight despite having OK status ticket - OP directed to pay Rs. 20,000/- with 9% interest as compensation - 2003(2) CPC 446 Chd.

—Complainant failed to avail air flight due to change in time schedule without notice - Held entitled to Rs. 22,000 as compensation and cost - 2002(2) CPC 446 N.C.

--Complainant had to suffer financial loss due to cancellation of flight on vague grounds - State Commission rightly directed OP to pay compensation of Rs. 1 lac payable to the complainant - 2011(3) CPC 619 N.C.

—Complainant having confirmed ticket was denied boarding due to over booking - Huge compensation of Rs. 25 lacs not permissible - Rs. 22,500 with 12% interest and Rs. 5,000 as cost held to be adequate - 2003(1) CPC 630 N.C.

—Complainant suffered injuries as he was not provided wheel chair at air port - Air authorities directed to pay Rs. 17000/- as compensation - *L.R. Gupta v. Singapore Airlines Ltd.*, 2002(1) CPC 177 Delhi

--Complainant was denied air flight to return back to India despite holding of a return flight air ticket - OP denied to reimburse complainant for causing unnecessary harassment - Relief granted by the State Commission upheld - 2013(2) CPC 552 N.C.

—Complainant, a doctor of 37 years ages suffered permanent disability due to fall from ladder by negligence of Air Staff - Held entitled to compensation of Rs. 5 lacs - 1996(1) CPC 665 N.C.

—Complainant's bag was lost during airline travelling - Order of State Commission awarding compensation of Rs. 50,000/- for mental agony justified - 2008(2) CPC 426 N.C.

--Complainants suffered huge loss during air flight due to fault of OP - Directed to pay adequate compensation of several lacs with interest for deficiency in service on part of OPs - 2009(2) CPC 517 Chd.

--Complainants were denied boarding of plane despite confirmed tickets - Fora below rightly awarded compensation of Rs. 1 lac with cost/compensation to each complainant - 2012(3) CPC 580 N.C.

—Complainants were negligent for reporting in time for air line journey - Not entitled to any compensation of account of their own fault - 2006(1) CPC 689 N.C.

—Complainants were not provided front seat on pre- booking - Non-vegetarian food was supplied against their will - O.P. directed to pay Rs. 80,000/- with 12% interest - *C.V. Nagesh (Sri) v. M/s. Egyptair*, 2005(2) CPC 25 Kar.

--Complainants' flight delayed by 36 hours due to 200% overbooking by OP - OPs directed to pay compensation of Rs. 25,000 with cost of Rs. 5,000 for committing unfair trade practice - 2012(2) CPC 290 N.C.

--Consignment sent through Airways did not reach the destination - OP directed to refund value of goods with 9% interest and cost of Rs. 5 lacs for harassment - 2012(3) CPC 266 N.C.

—District Forum awarded Rs. 7,650 under different heads due to cancellation of confirmed tickets on account over booking - Order upheld - 2004(1) CPC 126 Ker.

—Food served to air traveler found containing broken glass particles - Air authorities directed to pay Rs. 5 lacs as compensation for deficient service - 2003(2) CPC 403 W.B.

--Harassment caused to the complainant due to rescheduled flight which was changed to travel through Rome – But complainant suffered humiliation by Italian authorities as he did not possess Italian visa – Air Authorities directed to refund the air ticket amount only – 2011(2) CPC 226 N.C.

—Huge loss caused to air passenger due to delay of 8 days in handing over his baggage - Grant of Rs. 1 lac as relief justified - 2002(1) CPC 256 Pb.

—In the absence of an evidence to show the extent of injury caused to complainant, a token compensation of Rs. 2,000/- held to be sufficient - 1992 CPC 85 N.C.

—Indian Airlines started its flight one day earlier than the prescribed day for which confirmed tickets were issued - Complainants entitled to Rs. 15,000/- as compensation - 2003(2) CPC 300 N.C.

—Loss of bag containing valuable items during air journey - Compensation of Rs. 20,000 awarded as prescribed by Air Act - 2006(1) CPC 651 N.C.

—Loss of hand bag with valuable of Rs. 50,000 due to negligence of Air authorities - Authorities to pay Rs. 1 lac including compensation - 2004(1) CPC 291 Pb.

—No direct nexus between death of complainant's wife and loss of medicine from baggage during air journey - No compensation for loss of life can be allowed - 2004(1) CPC 155 Chd.

—None of passengers filing complaint against illegal strike by Airline employees - Compensation can not be awarded in their absence - Only Directions issued - 1996(2) CPC 40 N.C.

—One of 3 bags was delivered after 3 weeks with stolen articles - Air Authorities directed to pay Rs. 22700/- with 12% p.a. interest - 2000(1) CPC 118 Chd.

--OP airlines refused to board flight to complainant despite confirmed return airlines ticket – OP directed to refund different of price of two air tickets i.e. Rs. 19,869 with compensation of Rs. 50,000 - 2010(3) CPC 447 Chd.

--OP changed air route from Beijing to Dubai instead to Beijing to Delhi without prior notice causing huge loss to the complainant – OP directed to pay Rs. 1,50,000 as compensation without interest and cost - 2009(3) CPC 523 N.C.

—OP refused complainant to put on flight on the pretext of overloading despite giving confirmed ticket - Air authorities directed to pay compensation of Rs. 5 lakh for rendering deficient service - 2006(1) CPC 293 Pb.

--Rs. 4,085 paid for air ticket to travel by King Fisher but seat given in Air Deccan whose fare was Rs. 2,715 - OP directed to refund excess amount with compensation of Rs. 25,000/- and cost of Rs. 5,000 - 2009(2) CPC 551 Kar.

--State Commission awarded compensation on higher side for allotting defective seats to respondents – Compensation reduced by directing allotment of return airticket or pay Rs. 1,50,000 with cost - 2012(2) CPC 581 N.C.

--State Commission awarded Rs. 50,000 as compensation in a case of Airline service which found to be on higher side – Amount reduced to Rs. 20,000 Order modified - 2012(2) CPC 181 N.C.

--Ticket not re-confirmed on breaking of journey by Air Authorities and accommodation also denied – OP directed to pay compensation of Rs. 1 lacs with cost of Rs. 2500/- for deficiency in service – 2011(1) CPC 443 N.C.

—Traveller failed to prove loss on account of missing a trip on particular date - Not entitled to compensation - 1998(1) CPC 14 N.C.

**Compensation/cost** – Order of Fora below awarding cost of air ticket with compensation and cost of Rs. 75,000/- due to delayed flight held to be justified - 2014(1) CPC 85 N.C.

**Complainant's fault** - A general complaint filed by a third party cannot be entertained - 1992 CPC 54 N.C.

**Condition of flight** - Complainant having air ticket was not allowed to board the flight as he failed to inform air authorities 72 hours before time of flight as per terms and contract – Relief declined – 2009(1) CPC 693 H.P.

**Confirmed ticket** – Complainants were denied boarding of plan despite confirmed tickets – Fora below rightly awarded compensation of Rs. 1 lacs with cost/compensation to each complainant – 2012(3) CPC 580 N.C.

**Consignment by Air** - Air authorities changed name of consignee without authority from consignor - Authorities are liable for delivery of goods to a wrong person by changing name of consignee - 2008(2) CPC 243 N.C.

--Consignment sent through Airways did not reach the destination – OP directed to refund value of goods with 9% interest and cost of Rs. 5 lacs for harassment – 2012(3) CPC 266 N.C.

—Delay in delivery of consignment sent by Air Carrier - Relief to be granted under C.A. Act, and not under section 14 (1) (d) of C.P. Act - 2001(2) CPC 61 N.C.

--Consignment sent by complainant but delivery was not taken due to which appellant/OP had to dispose of goods according to Rules – OP-Airlines committed no fault – Impugned order set aside - 2012(1) CPC 233 N.C.

**Consumer** - Complaint by an unregistered voluntary association of consumers, is not maintainable under the Act - 1991 CPC 501 N.C.

**Contact number** - Air flight committed without any intimation to complainant ticket holder but no contact number was given on the passport copy due which information could not be given – OP not liable for deficient service - 2014(2) CPC 10 N.C.

**Contract** - Both parties are expected to be bound by terms of an agreement between them - 2001(1) CPC 661 Kar.

**Court** - Consumer Fora covered under the definition of a court - *L.R. Gupta v. Singapore Airlines Ltd.*, 2002(1) CPC 177 Delhi

**Criminal Proceedings** - Pendency of criminal proceedings on same subject cannot oust consumer jurisdiction - 2004(2) CPC 428 N.C.

**Damage to baggage** - Complainant suffered loss due to damage to baggage during international journey – Relief rightly granted by District Forum under relevant rules – Prayer for enhancement of compensation cannot be accepted - 2014(1) CPC 294 N.C.

**Death at airport** – Death of patient from heart attack at airport where ICU was not available – No negligence on the part of air authorities proved – However, award of Rs. 35,000 held to be an adequate relief - 2013(1) CPC 603 N.C.

**Defective Food** - Food served to air traveler found containing broken glass particles - Air authorities directed to pay Rs. 5 lacs as compensation for deficient service - 2003(2) CPC 403 W.B.

**Deficiency in service** - Rs. 4,085 paid for air ticket to travel by King Fisher but seat given in Air Deccan whose fare was Rs. 2,715 - OP directed to refund excess amount with compensation of Rs. 25,000/- and cost of Rs. 5,000 - 2009(2) CPC 551 Kar.

--Petitioner sent their driver to pick up the respondent on holiday trip to take them to airport but they were not present in the hotel room – OP cannot be held liable for any deficiency in service – Relief granted by Fora below set aside - 2014(2) CPC 548 N.C.

—Complainant having air ticket was not given prior information qua cancellation of flight - Air authorities are liable for deficiency in service - 2008(1) CPC 350 N.C.

—OP refused complainant to put on flight on the pretext of overloading despite giving confirmed ticket - Air authorities directed to pay compensation of Rs. 5 lakh for rendering deficient service - 2006(1) CPC 293 Pb.

**Delayed Flight** - Flight was delayed due to reasons beyond the control of the Air Lines Corporation - Complainant passenger not entitled to compensation - 1991 CPC 60 N.C.

--Delay of 2 and half hours in flight due to waiting for another plane carrying stranded passengers which delayed due to technical snag – No irreparable loss suffered by complainant – Relief declined - 2013(1) CPC 241 N.C.

**Delay in Delivery** - Time limit for claim of baggages etc. under Carriage Act is two years - Complaint dismissed as time barred - 2003(1) CPC 218 N.C.

**Diversion of flight** – Complainant had to pay extra luggage charges due to diversion of flight – OP airlines directed to pay compensation of Rs. 25,000 with refund of excess charges – 2011(2) CPC 360 N.C.

**Extension of Time** - Period of limitation beyond two years cannot be extended under Carriage by Air Act, 1972 read with S. 24-A of C.P. Act - 2003(2) CPC 220 N.C.

**Final payment** - A claimant entitled to compensation for death of passenger during domestic air flight, cannot be compelled to give full and final discharge - 2001(2) CPC 369 N.C.

**Flight cancellation** - Flight cancelled due to administrative reasons – Respondent made arrangement through another airlines – Complainant missed the flight as she did not reach before flight took off – Deficiency in service not proved – Not entitled to compensation – 2011(1) CPC 151 Andaman and Nicobar

**Fraud** – OP booked ticket Kuala-Lumpur to Madras and status of booking was OK – After reaching Melbourne, complainant was informed that ticket was not booked and yellow sticker on ticket was fraud – Deficient service proved – Complainant entitled to compensation – 2011(1) CPC 302 N.C.

**Helicopter service** – Departure time changed – Helicopter was provided to lessee under lease agreement and lessee collected fare, managed flight timings and destinations – Liability for deficient service on the part of State Government/lessee is liable to pay Re 1 lac to complainant - 2010(2) CPC 172 N.C.

**Holiday trip** – Petitioner sent their driver to pick up the respondent on holiday trip to take them to airport but they were not present in the hotel room – OP cannot be held liable for any deficiency in service – Relief granted by Fora below set aside - 2014(2) CPC 548 N.C.

**Immunity** – Immunity from prosecution claimed by Ethiopian Airlines u/s 86 of CPC as being a foreign firm – In view of recent legislation old laws like CPC are not applicable – Complaint under CP Act held maintainable - 2011(3) CPC 215 S.C.

**Interpretation** - Section 11 (2) of the Act is identical with Section 20 of Civil Procedure Code - 1992 CPC 139 N.C.

**Irrational compensation** - Inflated compensation of Rs. 35 lacs against air lines without just cause - Relief declined to complainant - 2002(2) CPC 418 N.C.

**Italian visa** – Harassment caused to the complainant due to rescheduled flight which was changed to travel through Rome – But complainant suffered humiliation by Italian authorities as he did not possess Italian visa – Air Authorities directed to refund the air ticket amount only – 2011(2) CPC 226 N.C.

**Judgment in rem** - Direction issued by State Commission cannot be executed beyond the territorial jurisdiction of the State - Judgment can be persuasive but not binding - *K.S. Puri v. M/s Air Deccan Bangalore*, 2007(2) CPC 508 Pb.

**Liability** - A travel Agent through whom air ticket is purchased is not liable for deficiency of air authorities - 2005(1) CPC 342 Chd.

--Air company cannot be held liable for negligence of Air Ticket Agents or their representative - 2001(2) CPC 611 Chd.

—Limit of liability for loss of goods given in the terms of carrier are not binding, if loss is caused intentionally and recklessly - 2002(1) CPC 623 N.C.

--A principal is fully liable for lapses on the part of his agent - 2011(3) CPC 390 N.C.

—Respondent No. 1 failed to insert ticket number in computer despite warning by Respondents No. 2 and 3 - Respondent No. 1 alone is liable to pay compensation for cancellation of air flight - 2004(2) CPC 121 Chd.

**Loss of airbag** - Loss of hand bag with valuable of Rs. 50,000 due to negligence of Air authorities - Authorities to pay Rs. 1 lac including compensation - 2004(1) CPC 291 Pb.

**Loss of baggage** - Complainant lost his bag entrusted to Air Authorities - Held entitled to 560 dollars for loss of bag - 1998(1) CPC 8 Kerala

—Complainant's bag was lost during airline travelling - Order of State Commission awarding compensation of Rs. 50,000/- for mental agony justified - 2008(2) CPC 426 N.C.

**Loss of goods** – Goods sent through Air carriage lost but found after four years which were purchased by World Trade Corporation – Air India directed to pay value of goods amounting to Rs. 2,40,187 with interest and cost for negligence of its officials - 2009(3) CPC 67 N.C.

--Goods sent through O.P. air lines lost in transit – Compensation allowed by State Commission reduced as complainant had not declared nature and value of goods - 2012(1) CPC 512 N.C.

--Complainant-student booked 6 suit cases with air authorities but was delivered 5 suit cases only - Air authorities directed to pay Rs. 30,000 to complainant - 1997(2) CPC 417 Chd.

**Luggage of Air traveller** - Delay of 5 days in delivery of baggage containing articles of daily use by complainant-lady - Air authorities directed to pay Rs. 12,500 as compensation - *Manickam alias Mrs. Sivabagam v. Air Lanka Ltd.*, 1999(2) CPC 43 T.N.

**Maintainability of complaint** - Immunity from prosecution claimed by Ethiopian Airlines u/s 86 of CPC as being a foreign firm – In view of recent legislation old laws like CPC are not applicable – Complaint under CP Act held maintainable - 2011(3) CPC 215 S.C.

**Missing of bag** – Complainant's bag containing valuables was lost during air journey on account of negligence of Air Authorities – Compensation of Rs. 15,804 with cost awarded by Fora below justified - 2014(3) CPC 239 N.C.

**Mistake by computer** - Mistake committed due to failure of computer system for missing Air flight cannot exonerate Air Authority from its liability - 2002(2) CPC 99 N.C.

**N.R.I** - Claim - N.R.I, suffering loss due to negligence of airport authorities is entitled to claim compensation as a consumer - 2004(2) CPC 428 N.C.

**Negligence** - Harassment caused to traveler having confirmed ticket due to negligence of Air authorities - Complainant entitled to ticket price with 12% interest and Rs. 5000 compensation - 2003(2) CPC 350 N.C.

**Non-confirmation of tickets** - Tickets not confirmed – Consumers allured to start – Deficiency in service on the part of petitioners is not confirming wait listed tickets – Denial of benefit of traveling schemes amounts to deficiency in service - 2012(1) CPC 107 N.C.

**Non vegetarian food** - Complainant was served non-vegetarian food by mistake - Relief declined as there was no malafide intention in serving the food - 1996(1) CPC 312 Delhi

**Notice** - Service of notice of 7 days to claim compensation was essential under Air Act, 1972 - O.P. not liable in absence of such notice - 2007(2) CPC 132 N.C.

—Strike by Members of Air flight Association without prior notice is illegal - They can be held liable for deficient service - 1996(2) CPC 40 N.C.

**Onus** - Onus of exercising due care of an ordinary prudence lies upon the person who pleads as such - 1999(1) CPC 197 N.C.

**Over booking** – Complainants' flight delayed by 36 hours due to 200% overbooking by OP – OPs directed to pay compensation of Rs. 25,000 with cost of Rs. 5,000 for committing unfair trade practice - 2012(2) CPC 290 N.C.

**Parcel booking** - No evidence produced to prove the fact of booking of parcel nor baggage tags were produced - Respondent not liable to compensate the complainant for any loss - 1998(1) CPC 508 T.N.

**Pass for boarding** - Complainant was refused pass for boarding doubting validity of her document – Air authorities cannot deny issuance of pass on mere doubt – Relief granted to the complainant - 2013(1) CPC 28 N.C.

**Passport/Voter ID** - Air authorities denied travelling by airlines despite air ticket as complainant was not having Passport or Voter ID card as required – OP not liable for deficiency in service - 2014(3) CPC 368 N.C.

**Practice and Procedure** - False affidavit filed by OPs. - General Manager of Air India was directed to conduct inquiry internally and take necessary action against OPs - 2008(2) CPC 385 N.C.

**Precedence** - Theft of articles registered with Airlines by air-staff - Law and precedence is no defence as theft stands well proved - 2007(2) CPC 692 N.C.

**Principal/Agent** - Agent found negligence in discharge of his duty in securing air tickets - Directed to compensate to principal under Section 215 of Contract Act - 2000(2) CPC 700 Ker.

--A principal is fully liable for lapses on the part of his agent - 2011(3) CPC 390 N.C.

**Principal's liability** – A principal cannot escape his liability for omission and commission of an act of his agent - 2010(3) CPC 447 Chandigarh

**Processing fee** – OP a travelling agent wrongly detained amount of processing fee of visa which was refunded by the Immigration Authority – OP directed to refund the amount of fee with interest, cost and compensation - 2011(3) CPC 157 N.C.

**Rate of interest** - Awarding of interest on compensation at the rate of 18% is on higher side - Reduced to 12% only - 2004(2) CPC 624 N.C.

**Reduction in compensation** – In a case of deficient service provided by an authorities, reduction in relief made by the State Commission found to be reasonable – Impugned order upheld – 2011(2) CPC 554 N.C.

--O.P. rescheduled air flight without notice causing loss and mental agony – District Forum granted necessary relief – Order of State Commission reducing compensation unjustified – Impugned order set aside – Order of District Forum restored - 2014(3) CPC 609 N.C.

**Refund** - Refund of amount of air ticket is permissible only if original ticket is produced and not otherwise - 2001(2) CPC 357 N.C.

--Change in air schedule as desired by traveler - O.P. not bound to refund value of unused ticket - 2004(2) CPC 381 Chd.

--OP failed to carry out his plan for grant of visa for 10 years to the complainant who had deposited necessary amount – Matter being in pendency with High Commission no case of deficiency in service proved – However, refund of deposits with 6% interest ordered - 2011(3) CPC 512 N.C.

--Airline authority committed deficiency in service - Refund of amount ordered - 2008(2) CPC 3 N.C.

**Refund of package money** - Complainant could not prove that he was entitled to travel on the desired routes by purchasing air tickets under the package by paying Rs. 50,000 - No deficiency in service proved – Refund of Rs. 50,000/- ordered – 2012(3) CPC 142 N.C.

**Refund of ticket price** - Claim for refund of amount of Air ticket from travel agent without impleading the principal (Air India) - Relief declined - 2002(1) CPC 269 N.C.

--Date of journey was advanced by the petitioner due to his father's illness – He cannot seek refund for unused air tickets – 2012(3) CPC 307 N.C.



--Complainant was denied air flight to return back to India despite holding of a return flight air ticket – OP denied to reimburse complainant for causing unnecessary harassment – Relief granted by the State Commission upheld - 2013(2) CPC 552 N.C.

--Complainants were wrongly denied journey though they had return journey air ticket upto future period – Amount not returned in view of terms of a scheme which was never explained nor clearly mentioned on air ticket – OP rightly held liable to refund the price of air ticket with costs - 2013(1) CPC 571 N.C.

--Delay in air-flight as complainants did not reach in statutory time – Contributory negligence proved – OP not liable to pay any compensation – But refund of ticket amount is justified - 2012(2) CPC 415 N.C.

**Refund with interest** - Refund of visa fee wrongly denied as application of complainant was rejected on vague grounds – Order of fora below granting relief of refund of amount with interest justified - 2013(1) CPC 83 N.C.

**Relief** – Death of patient from heart attack at airport where ICU was not available – No negligence on the part of air authorities proved – However, award of Rs. 35,000 held to be an adequate relief - 2013(1) CPC 603 N.C.

**Remote damages** - Total claim including remote damages not triable by consumer fora being of complex nature - Civil court is the proper authority to give necessary relief - 2003(1) CPC 605 N.C.

**Review application** - Adequate compensation for negligence of Airlines granted according to the regulations and international practice – Review of order without solid ground is not permissible – 2009(1) CPC 64 N.C.

**Service** - A piece of wire found in the food served to its passengers by the Airlines staff - Airlines liable to compensate the complainant for deficiency in service - 1992 CPC 85 N.C.

--Award of world-pass in consequence of purchase of air ticket - Award not without consideration and covered under “Service” - 1998(1) CPC 14 N.C.

**Speculation** - Boarding of plane was denied despite confirmed air ticket - Complainant held entitled to ticket cost and journey expenses with interest - Speculative compensation declined - 2006(1) CPC 23 N.C.

**Suit case pilferage** - Claim for loss of suit case not filed within limitation prescribed by Carriage by Air Act - Complaint under Consumer Protection Act not maintainable - *Pakistan International Airlines v. Sanjeev Wadhwa*, 2005(1) CPC 293 N.C.

**Superdari** - Vehicle under superdari purchased by highest bidder - Application for superdari rejected - Respondent directed to refund the amount with interest - 1999(1) CPC 301 Delhi

**Theft** - Theft of articles registered with Airlines by air-staff - Law and precedence is no defence as theft stands well proved - 2007(2) CPC 692 N.C.

**Ticket cancellation** - Refund - Complainant had to abandon air journey and returned the 4 tickets - Only deduction 200 (not Rs. 3000) per ticket allowed - *Grand Travel Planners (P) Ltd. (M/s.) v. Sh. J.S. Nat*, 2002(1) CPC 143 Chd.

**Ticket term** - As per terms written on ticket no compensation for delay in flight allowed - Relief for delay refused - 1991 CPC 66 N.C.

**Travel agent’s liability** - Title deeds were given to Canada High Commission for which respondent travel agent had obtained visa for appellant – There was no evidence whether documents were returned to respondent or not – Respondent not liable for deficiency in service - 2010(2) CPC 153 N.C.

**Unauthorised delivery of goods** - Airlines released consignment to unauthorized person causing huge loss to the consignor – OP Airlines directed to compensate

the complainant by refunding value of goods and refund of freight with interest and cost - 2009(3) CPC 460 N.C.

**Undue influence** - Acceptance of claim as final settlement - Allegation of undue pressure not proved - Further relief declined - 2005(1) CPC 512 N.C.

**Unexpected Events** - Cancellation of Air flight due to non availability of pilot is not covered under unexpected events - 2004(1) CPC 314 N.C.

**Unregistered Association** - Complaint by an unregistered voluntary association of consumers, is not maintainable under the Act - 1991 CPC 501 N.C.

**Unfair trade practice** - OP booked ticket Kuala-Lumpur to Madras and status of booking was OK – After reaching Melbourne, complainant was informed that ticket was not booked and yellow sticker on ticket was fraud – Deficient service proved – Complainant entitled to compensation – 2011(1) CPC 302 N.C.

**Validity of order** – O.P. rescheduled air flight without notice causing loss and mental agony – District Forum granted necessary relief – Order of State Commission reducing compensation unjustified – Impugned order set aside – Order of District Forum restored - 2014(3) CPC 609 N.C.

**Vicarious Liability** - Information of cancellation of flight was not conveyed to air ticket holder but to agents of appellants - Appellant cannot escape its liability causing loss to air ticket holder - *Royal Nepal Airlines v. Vishal Arya*, 2007(1) CPC 148 Delhi

**Violation of terms** - Airlines refused to resume air service and nor it refunded the air tickets price – OP held liable for deficiency in service for violation of terms of agreement - 2010(2) CPC 77 N.C.

**Visa** – OP failed to carry out his plan for grant of visa for 10 years to the complainant who had deposited necessary amount – Matter being in pendency with High Commission no case of deficiency in service proved – However, refund of deposits with 6% interest ordered - 2011(3) CPC 512 N.C.

**Visa services** – Refund of visa fee wrongly denied as application of complainant was rejected on vague grounds – Order of fora below granting relief of refund of amount with interest justified - 2013(1) CPC 83 N.C.

**Visa fee refund** - OP a travelling agent wrongly detained amount of processing fee of visa which was refunded by the Immigration Authority – OP directed to refund the amount of fee with interest, cost and compensation - 2011(3) CPC 157 N.C.

**Weighty Cargo** - Air authorities cannot be compelled to lift weighty cargo within prescribed time - Safety of aircraft cannot be ignored - *S.L. Exports v. Singapore Airlines*, 2004(1) CPC 86 N.C.

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