

**IN THE CONSUMER DISPUTES REDRESSAL COMMISSION,  
THRISSUR**

Present : Sri. C.T. Sabu, President  
Smt. Sreeja. S., Member  
Sri. Ram Mohan R., Member

27<sup>th</sup> day of February 2026  
CC 172/21 filed on 21/04/2021

- Complainant : Arun, S/o. Ayyappan, Thumbarathukudy House,  
Annanadu Desom, Kadukutty Village, Chalakudy  
Taluk.  
(In Person)
- Opposite Parties : 1) Marvel Hero, Near Edikoottu Bridge, Near St. James  
Hospital, Chalakudy, Pin – 680 307.  
(Ex-parte)  
2) Hero Motocorp Ltd., 3-E2, Third Floor, Saniya Plaza,  
Mahakavi Bharathiyar Road, Near KSRTC Road,  
Cochin, Pin – 682 035.  
(Ex-parte)

**FINAL ORDER**

**By Sri. Ram Mohan R, Member :**

1) Complaint in brief, as averred :

The complaint is filed under Section 35(1) of the Consumer Protection Act, 2019. The complainant statedly a coolie worker, on 06/01/2021, purchased a new two-wheeler named “Hero Passion Pro 110 Black Disc” from the first opposite party, paying a sum of Rs. 87,000/- (Rupees eighty seven thousand only), the vehicle having been subsequently registered as KL64 J 8781. The complaint has been filed against two opposite parties. Immediately after purchase, the vehicle in question, statedly started exhibiting problems associated with its performance. The complainant alleges that its meter was not working and that its fuel tank can only be filled at a very low pace. Moreover, it also allegedly exhibited problems pertaining to smooth running. Though, the

faults were assured to be rectified by the first opposite party during the first service of the vehicle, it was not carried out by them either in the first service or in the subsequent services. The complainant alleges fault on the part of the opposite parties. Hence the complaint. The complainant prays for an order directing the opposite parties to pay him compensation.

## 2) NOTICE :

The Commission issued notice to both the opposite parties. The first opposite party has not cared to file their written version in spite of their having received the Commission's notice to that effect. Notice to the second opposite party was returned with postal endorsement "addressee left". Substituted service of notice by way of newspaper publication, also elicited no result. Hence the Commission was constrained to proceed ex-parte against both the opposite parties.

## 3) Evidence :

The complainant adduced documental evidence that had been marked Ext. A1 to A3, apart from affidavit. The report submitted by the Expert appointed by the Commission at the instance of the complainant (IA 612/22) is marked Ext. C1. Proceedings against the opposite party being ex-parte, no evidence adduced on their part.

## 4) Deliberation of evidence and facts of the case :

The Commission has very carefully examined the facts and evidence of the case. Ext. A1 is photocopy of Certificate of Registration in favour of the complainant in respect of vehicle No. KL64 J 8781. Ext. A2 is Receipt No. 4037 dated 06/01/2021 issued by the first opposite party in favour of the complainant receiving from him Rs. 87,000/- (Rupees eighty seven thousand only) pertaining to 'Passion Pro 110 Black Disc'. Ext. A3 series comprise 6

numbers of Estimates viz, A3 (1) numbered 6648 dated 07/04/2021, A3 (2) numbered 721 dated 22/11/2022, A3 (3) numbered 1543 dated 28/02/2022, A3 (4) numbered 5762 dated 29/01/2021, A3 (5) numbered 1089 dated 10/09/2021 and A3 (6) numbered 641 dated 21/12/2021, all issued by the first opposite party in favour of the complainant in respect of service of the vehicle. Ext. A3 documents bear thereon the stamp “cash received”.

The report submitted by the Expert Commissioner is marked as Ext. C1.

5) Points of deliberation :

- (i) Whether the alleged fault on the part of the opposite parties stands proved? If yes;
- (ii) Whether the complainant is entitled to receive any compensation from any or all of the opposite parties? If so its quantum?
- (iii) Costs ?

6) Point No.(i)

Ext. A2 receipt reveals that the purchase of the vehicle was effectuated on 06/02/2021. Ext. A1 reveals that its registration No. is KL64 J 8781. Ext. A3 series documents expressly reveal that the impugned vehicle was subjected to periodical services at the first opposite party-establishment on 29/01/2021, 07/04/2021, 10/09/2021, 21/12/2021, 28/02/2022 and 22/11/2022. By Ext. C1 report the Expert Commissioner affirms that;

- 1) the fuel level gauge of the impugned vehicle is faulty and that the readings it exhibits are unsteady.
- 2) The fuel tank of the impugned vehicle does not permit easy and smooth filling and the same causes loss of fuel as well.
- 3) The vehicle loses control at a speed of about 60 km/hr,

and 4) the engine gets over-heated even when the vehicle relaxedly covers 60 km, and hence its cooling system is not productive.

The Expert report, therefore, substantiates the complainant's allegations that the first opposite party was not able to productively rectify the defects of the vehicle, despite the numerous services effectuated by them. It constitutes deficiency in service on their part.

Though two parties are arraigned as opposite parties in the case, the complainant has not expressly mentioned the role of the second opposite party. The complainant does not state whether they are the manufacturer of the vehicle. The Expert report does not affirm any manufacturing defect of the vehicle. Nor does the complainant expressly plead the nature of the fault committed by the second opposite party. Nor does he plead whether the issue in dispute was duly taken up with them, either. Hence, the complaint against the second opposite party remains unproved.

At the same time, as elaborated earlier, the first opposite party's failure to fruitfully repair the vehicle constitutes deficiency in service on their part.

Hence point No. (i) is proved against the first opposite party.

7) Point No (ii) & (iii) :

As elaborated supra, there is deficiency in service on the part of the first opposite party. A close reading of Ext. C1 report also unearthes the fact that the vehicle exhibited the reported faults, in a short span of less than 2 years of purchase. Yet, the first opposite party has not cared to productively cure the same. The wrong doing on the part of the first opposite party might certainly have, as claimed, inflicted agony and hardship on the complainant. The first opposite party shall necessarily have to compensate the complainant. We are of

the considered view that the complainant is entitled to receive from the first opposite party, a sum of Rs. 20,000/- (Rupees twenty thousand only) towards compensation for the agony and hardship he underwent, and a sum of Rs. 10,000/- (Rupees ten thousand only) towards cost of litigation.

In the result, the complaint is allowed against the first opposite party, and the first opposite party is directed to pay the complainant;

- a) a sum of Rs. 20,000/- (Rupees twenty thousand only) towards compensation for the agony, hardship and financial loss he underwent, and
- b) a sum of Rs. 10,000/- (Rupees ten thousand only) towards costs,

both with 9% interest per annum from the date of filing of the complaint till the date of realization. The first opposite party shall comply with the above direction within 45 days of receipt of a copy of this order.

Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in the open Commission this the 27<sup>th</sup> day of February 2026.

Sreeja S.  
Member

Ram Mohan R  
Member

C. T. Sabu  
President

#### Appendix

##### Complainant's Exhibits :

Ext. A1 is photocopy of Certificate of Registration in favour of the complainant in respect of vehicle No. KL64 J 8781.

Ext. A2 is Receipt No. 4037 dated 06/01/2021 issued by the first opposite party in favour of the complainant receiving from him Rs. 87,000/- (Rupees eighty seven thousand only) pertaining to 'Passion Pro 110 Black Disc'.

Ext. A3 series comprise 6 numbers of Estimates viz,

A3 (1) numbered 6648 dated 07/04/2021,  
A3 (2) numbered 721 dated 22/11/2022,  
A3 (3) numbered 1543 dated 28/02/2022,  
A3 (4) numbered 5762 dated 29/01/2021,  
A3 (5) numbered 1089 dated 10/09/2021 and  
A3 (6) numbered 641 dated 21/12/2021,  
all issued by the first opposite party in favour of the complainant in respect of service of the vehicle. Ext. A3 documents bear thereon the stamp “cash received”.

Ext.C1: report submitted by the Expert appointed by the Commission at the instance of the complainant (IA 612/22).

Opposite Parties' Exhibits :  
Nil

Ram Mohan R  
Member

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//True copy//

Assistant Registrar