

**BEFORE THE BENGALURU RURAL AND URBAN I ADDITIONAL
DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, I FLOOR, BMTc, B
BLOCK, TTMC BUILDING, K.H.ROAD, SHANTHI NAGAR, BENGALURU-27**

Complaint Case No. CC/1664/2019

(Date of Filing : 24 Oct 2019)

1. G. Naveen

S/o. T. Gopalakrishna Aged about 35 years, R/at 15/3,1st
Main, 1st Cross, G.D. Park, Extn Vyalikaval,
Bangalore-560003 Mob:9513071938

.....Complainant(s)

Versus

1. ELITE Matrimony Services

Rep by Saraswathi Karthikeyan, Team Manager Office at
No 14, Chartered center 3rd Floor, Laskar Hosur Road,
Adugodi, Bangalore-560030 Mob:9606489979

.....Opp.Party(s)

BEFORE:

**HON'BLE MR. H.R.SRINIVAS, B.Sc. LL.B., PRESIDENT
HON'BLE MRS. Sharavathi S.M.,B.A. LL.B MEMBER**

PRESENT:

Dated : 23 Jul 2021

Final Order / Judgement

Date of Filing:24.10.2019

Date of Order:23.07.2021

**B EFORE THE BANGALORE I ADDITIONAL DISTRICT CONSUMER DISPUTES
REDRESSAL COMMISSION, SHANTHINAGAR BANGALORE - 27.**

Dated: 23RD DAY OF JULY 2021

PRESENT

SRI. H.R. SRINIVAS, B.Sc., LL.B. Retd. Prl. District & Sessions Judge And PRESIDENT

MRS.SHARAVATHI S.M., B.A., LL.B., MEMBER

COMPLAINT NO.1664/2019

COMPLAINANT : S/o. T.Gopalakrishna,
Aged about 35 years,
R/at No.15/3, 1st Main,
Bangalore 560 003.

(In person)

Vs

OPPOSITE PARTIES:

ELITA Matrimony Services
Rep. by Saraswathi Karthikeyan
Team Manager,
Office at No.14, Chartered Centre,
3rd Floor, Laskar Hosur Road,
Adugodi ,
Bangalore 560 030.

(Rep. by Adv. Sri.V.M.Sarangapani)

ORDER

BY SRI.H.R.SRINIVAS, PRESIDENT.

This is the Complaint filed by the Complainant U/S Section 12 of Consumer Protection Act 1986, against the Opposite Party (herein referred in short as O.P) alleging the deficiency in service in not providing proper details of the prospective brides and for refund of the amount Rs.59,180/- paid towards registration with OP to get the details of the prospective brides and for Rs.3,00,000/- as compensation for dishonest, deficient service, and for other reliefs as the Commission deems fit.

2. The brief facts of the complaint are that;

OP is a service provider in respect of matrimony. Providing details of prospective brides and bridegrooms Complainant obtained membership with OP by paying Rs.59,180/- on 17.06.,2019 by way of cheque. In spite of it, OP did not provide any details of the prospective brides though it has claimed that it has one lakh profiles to render match making services. When it came to provide him service, OP did not shared any information from its database. He was hopeful that OP and her staff would provide service for three months + one months as they had frozen the services for one month due to holiday festivals. When the complainant approached OP regarding not providing the datas, OP and her staff acted ruffly. Hence he had to approach the consumer helpline which suggested to file before the jurisdiction consumer forum.

3. He has been mentally harassed and made to suffer financially. The service of the OP is unscrupulous, dishonest and deviated from the assurance given at the time of giving the membership and it was not in line claim made by OP and hence the complaint.

4. Upon the service of notice, OP appeared before the Commission, filed version and admitted that it is in the business providing matchmaking services to its member and the complainant by paying Rs.59,180/- obtained its membership. It has denied that it has not provided the datas to the complainant and contended that after obtaining its services complainant has filed this complaint to get the refund of the amount paid, for which he is not entitle to. It has provided 14 profiles to the complainant and out of that, the complainant accepted two profiles. It has provided the services as per the package opted by the complainant and hence complainant cannot claim refund of the amount and the complaint is not maintainable and is bound by the terms and conditions of the agreement entered into and its service is only to facilitate the marriage and do not guarantee the marriage. The complaint is frivolous, vexatious with ulterior motives, and hence, prayed the forum to dismiss the complaint.

5. In order to prove the case, complainant examined himself as PW1 and got two documents marked. Whereas inspite of obtaining sufficient opportunity, OP did not adduce any evidence. Arguments Heard. The following points arise for our consideration:-

1) Whether the complainant has proved deficiency in service on the part of the Opposite Party?

2) Whether the complainant is entitled to the relief prayed for in the complaint?

6. **Our answers to the above points are :-**

POINT NO.1 & 2 : *In the Negative*

For the following.

REASONS

7. **POINT No.1 & 2 :-**

Perused the complaint, version, affidavit evidence and the documents produced by respective parties. It is an admitted fact by OP that complainant obtained its membership by paying Rs.59,180/-. The copy of the cheque is produced. Ex.P2 is the email document, wherein it contains the terms and conditions, wherein the validity of the service is for 88 days and the profile shared are from its website of matrimonet.com limited. It do not guarantee positive response at all times and do not guarantee a marriage within the service provided. The contract is governed by the terms and conditions.

8. OP has contended in the version that it has shared 14 profiles of which two were accepted by the complainant.

9. On perusing the affidavit evidence of the complainant, the said fact has not been denied by the complainant. Absolutely there is no evidence to show the deficiency in service on the part of the OP and hence we answer point No.1 and 2 in the negative and pass the following;

ORDER

1. Complaint is Dismissed. No cost.
2. Send a copy of this order to both parties free of cost.

Note: You are hereby directed to take back the extra copies of the Complaints/version, documents and records filed by you within one month from the date of receipt of this order failing which the same will be weeded out/destroyed .

(Dictated to the Stenographer over the computer, typed by him, corrected and then pronounced by us in the Open Forum on this 23RD DAY OF JULY 2021)

MEMBER

PRESIDENT

ANNEXURES

1. **Witness examined on behalf of the Complainant/s by way of affidavit:**

CW-1 Sri.G.Naveen - Complainant

Copies of Documents produced on behalf of Complainant/s:

Ex P1: Copy of the cheque issued for Rs.59,180/- in favour of OP.

Ex P2: Copy of the welcome kit giving the details.

2. Witness examined on behalf of the Opposite party/s by way of affidavit:

- NIL -

Copies of Documents produced on behalf of Opposite Party/s

- NIL -

MEMBER

PRESIDENT

**[HON'BLE MR. H.R.SRINIVAS, B.Sc. LL.B.,]
PRESIDENT**

**[HON'BLE MRS. Sharavathi S.M.,B.A. L.L.B]
MEMBER**