

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 565 OF 2021**

(Against the Order dated 10/03/2020 in Appeal No. 116/2019 of the State Commission Tamil Nadu)

1. S. SHANMUGA SUNDARAM, SENIOR CITIZEN .....Petitioner(s)

Versus

1. POSITIVE HOMEOPATHY .....Respondent(s)

**BEFORE:**

**HON'BLE DR. S.M. KANTIKAR, PRESIDING MEMBER**

**For the Petitioner :**

**For the Respondent :**

**Dated : 19 Jan 2023**

**ORDER**

*Appeared at the time of arguments*

For Petitioner : in person

**Pronounced on: 19<sup>th</sup> January 2023**

**ORDER**

1. This Revision Petition has been filed by the Petitioner against the Order dated 10.03.2020 passed by the Tamil Nadu State Consumer Disputes Redressal Commission (in short, the 'State Commission) in Appeal No. 116 of 2019, wherein the State Commission upheld the Order of the District Consumer Disputes Redressal Forum, Coimbatore (in short, the 'District Forum').

2. Brief facts that the Complainant approached "Positive Homeopathy" - OP for treatment of "Heloma Durums (abnormal growth and hardening skin in soles and palms causing severe pain). The OP offered a treatment package and assured of complete cure from the hardened skin, which will become soft within three months and his skin will become normal in within six months. It was alleged that the Complainant took treatment as per the assured package but there was no cure even after one year. The OP gave free treatment for further one year. Since there was no cure, it amounts to alleged unfair trade practice and deficiency in service of the OP offering false treatment package. Being aggrieved, the Complainant filed the Complaint before the District Forum.

3. The OP denied that it assured or promised about complete cure. The Complainant and his son on their own came to OP for homeopathy treatment, which is a holistic treatment. The cure depends upon various factors and no doctor can promise 100% cure of any ailment of any patient.

4. The District Forum dismissed the Complaint and the State Commission affirmed the Order of the District Forum by dismissing the Appeal filed by the Complainant.

5. Being aggrieved, the Complainant filed the instant Revision Petition.

6. Heard the Petitioner – Complainant at admission stage. Perused the entire material on record *inter alia* the Orders of both the fora below.

7. It is pertinent to note that the Complainant was suffering from "Heloma Durums", which was heredity disease and has no complete cure. Therefore, no doctor can assure for full recovery from such ailments. The doctors at the Homeopathy Centre, have given one year treatment and thereafter, one year free treatment. There was no allegation from the Complainant about the competence, skill of the doctors therein. The offer of package was only an invitation to the offer, which the Complainant on his own violation accepted the offer and approached the hospital for treatment. It was neither deficiency in service nor it was unfair practice to offer such package.

8. There are concurrent findings of facts from the District Forum and the State Commission, which in my view, does not need any re-appreciation in the revisional jurisdiction of this Commission. The revisional jurisdiction of this Commission is extremely limited as held by the Hon'ble Supreme Court in the case of *'Rubi (Chandra) Dutta Vs. M/s United India Insurance Co. Ltd.*<sup>[1]</sup> and in *Sunil Kumar Maity vs. State Bank of India & Anr.*<sup>[2]</sup>.

9. I do not find any merit in the instant Revision Petition and the same being misconceived, is dismissed in limine.

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[1] 2011 11 SCC 269

[2] JT 2022 (1) SC 414

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**DR. S.M. KANTIKAR**  
**PRESIDING MEMBER**