

(1995) 03 NCDRC CK 0016

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

NAGARJUNA  
FERTILIZERS And  
CHEMICALS LTD

APPELLANT

Vs

M.NARASIMHA  
MURTHY

RESPONDENT

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Date of Decision: March 10, 1995

Citation: 1995 3 CPJ 306 : 1996 1 CPR 641 : 1996 2 CLT 358

Hon'ble Judges: A.Venkatarami Reddy , J.Ananda Lakshmi , K.Ranga Raos J.

Final Decision: Petition dismissed

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Judgement

1. THIS is a petition filed by M/s. Nagarjuna Fertilisers and Chemicals Limited, Nagarjuna Hills, Hyderabad for granting leave to them to prefer an appeal against the order of the District Forum, Medak passed in O.P. No. 81/94 and also for impleading them as party/respondent No. 2 in O.P. 81 /94.

2. THE question of impleading them as party to the O.P. does not arise, because the O.P. was already disposed of on 17.8.1994.

The only question therefore is whether the petitioner is entitled for grant of leave to prefer an appeal against the order in O.P. 81 /94.

In order to decide whether the petitioner is entitled for leave or not, it is necessary to narrate few facts.

3. IN the complaint O.P. 81 /94 filed by the first respondent, it was stated that he applied for allotment of shares of Nagarjuna Fertilisers and Chemicals Ltd., Hyderabad. The shares were allotted to him and were issued to him with distinctive numbers. After allotment and receipt of the shares he paid all the call moneys including the last call on 30.8.1991. Thereupon he sent the share certificates to the opposite party i.e. M/s. Karvy Consultants Pvt. Ltd., 6-1-68/2, Saifabad Hyderabad who were the Registrars of Nagarjuna Fertilisers and Chemicals Ltd., Hyderabad for making endorsements of full payment on the share certificates and thereafter return the same. As M/s. Karvy Consultants did not sent back the share certificates together with endorsements even after number of reminders, the complaint was filed to direct the Karvy Consultants to return the original share certificates with all necessary endorsements of full payment.

The District Forum on a consideration of the material on record came to the conclusion that the share certificates for endorsement were sent to M/s. Karvy Consultants (P) Ltd., and it did not return the same after making endorsements of full payment. It therefore directed the M/s. Karvy Consultants (P) Ltd., to return the original share certificates with necessary endorsements of full payment and also payment of Rs. 1,000/- towards damages and Rs. 500/- towards costs.

4. M/s. Karvy Consultants who was the sole opposite party in the O.P. 81/94 did not prefer any appeal. But M/s. Nagarjuna Fertilisers and Chemicals Ltd., who are not parties to the O.P. filed this petition for leave.

It is seen from the allegations in the complaint and also the order of the District Forum, the relief sought and granted by the District Forum was only against M/s. Karvy Consultants (P) Ltd., to whom the share certificates were sent for endorsement of full payment and return. No relief was claimed against M/s. Nagarjuna Fertilisers and Chemicals Ltd., Hyderabad. The District Forum also did not give any direction to M/s. Nagarjuna Fertilisers and Chemicals Ltd., Hyderabad. As Registrar M/s. Karvy Consultants to whom the share certificates were sent for endorsement of full payment are bound to return the share certificates after making such endorsement. Thus M/s. Nagarjuna Fertilisers and Chemicals Ltd., was in no way affected by the order of the District Forum. As no relief was claimed against Nagarjuna Fertilisers, the complainant rightly did not make Nagarjuna Fertilisers and Chemicals Ltd., as party to the complaint. It therefore cannot be said that any

order was passed against or affecting the Nagarjuna Fertilisers and Chemicals Ltd. We are therefore satisfied that they are not entitled for grant of leave.

In the result, the petition is dismissed and the petition for condoning the delay of 51 days is also dismissed. Since on issuing of notice on this petition, the first respondent/complainant in the O.P. 81 /94 appeared in person on two occasions, he therefore submitted a memo claiming costs. Having regard to the circumstances of the case, we direct the petitioner herein to pay a sum of Rs. 646/- to the first respondent in this I.A. towards costs within a period of six (6) weeks from the date of the receipt of the order. Petition dismissed.