

(1993) 04 NCDRC CK 0030

In the National Consumer Disputes Redressal Commission

GUNDA KAILASAM

APPELLANT

Vs

PULLOORI ARUN KUMAR

RESPONDENT

Date of Decision : 28-04-1993

Acts Referred:

Citation : 1993 3 CPJ 1673

Hon'ble Judges : A.Venkatarami Reddy , Pothuri Venkateswara Rao , J.Ananda Lakshmi J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is filed against the order of the District Forum in CD. No. 701 of 1991. The respondent herein complained before the District Forum that he deposited a sum of Rs.7,000/- and that on maturity the sum payable was Rs. 15,000/-. In spite of demands made, the said amount was not paid. The complainant, therefore, claimed interest from 11.3.1989 amounting to Rs. 3,000/- in addition to Rs. 15,000/-. To the said consumer dispute the Managing Partner of S.R.R. Finance Corporation was made a party. He took the plea that other partners also should be made parties. The District Forum considered that objection and held that there is no material to show that the partnership was registered and the registration number also was not given. But all the partners are liable for payment of the amounts due to the third parties. In that view of the matter, the District Forum directed the payment of Rs. 15,000/- with interest on Rs. 7,500/- and 12% from 11.3.1989 till the date of realisation and costs of Rs.150/-

2. IN this appeal preferred by the opposite party, the only contention raised is that under the partnership deed, all the partners are liable. Since all of them are not made parties, the complaint is not maintainable. We are not inclined to accept this contention. The opposite party is described as the Managing Partner, in which event, he represents the partnership firm. If under the partnership deed all the partners are equally liable for payment of any amount due from the firm, it is open to the opposite party herein to seek appropriate remedy against the

other partners. The Counsel for the appellant requested that three months time may be granted for payment of the amount as directed by the District Forum. In the circumstances of the case, the appellant is granted three (3) months time for complying with the orders of the District Forum.

With the above said observations, the appeal is dismissed. No costs. Appeal dismissed.