

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2080 OF 2004

American Consolidation Service Ltd. ...Appellant(s)

Versus

Virendra Khullar ...Respondent(s)

WITH CIVIL APPEAL NO.2079 OF 2004

O R D E R

Heard learned counsel for the parties.

These appeals have been filed against the impugned judgment of the National Consumer Disputes Redressal Commission, dated 20th January, 2004. By that judgment, certain amount has been decreed against the appellant.

Mr.R.F.Nariman and Mr.P.H.Parekh, learned senior counsel appearing for the appellant, contended that the appellant was only an agent of the consignee, Zip Code Inc., which is part of the Coronet Group. It appears that the grievance of the claimants (respondents in this case) is that certain cartons, which were to be shipped to a party in USA, were allegedly not delivered there. A claim was made for damages in that respect.

Mr. Nariman has contended that the appellant is only an agent of the consignee and not the consignee himself. We agree with the contention. In our opinion, the claimants

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should have impleaded the consignee as well as the carrier as parties in the claim petitions apart from impleading the appellant. The rules of natural justice require that necessary parties have to be impleaded, which appears not to have been done in this case before the National Commission.

For the reason given above, we set aside the impugned judgment of the National Commission and remand the matters to the National Commission with liberty to the respondents-claimants to implead the consignee as well as the carrier in

Mrs. Yashmeet Kaur, Adv.
Mr. Ashok K. Mahajan, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are disposed of in terms of the
signed order. No order as to costs.

The amount deposited by the appellants will be
refunded to them with accrued interest.

(N. ANNAPURNA)
COURT MASTER

(INDU SATIJA)
COURT MASTER

(Signed order is placed on the file)