

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No.16853 of 2014

29.06.2018

Between:

Ramprasad Prasad

..Petitioner

and

R.Suri Babu and others

..Respondents

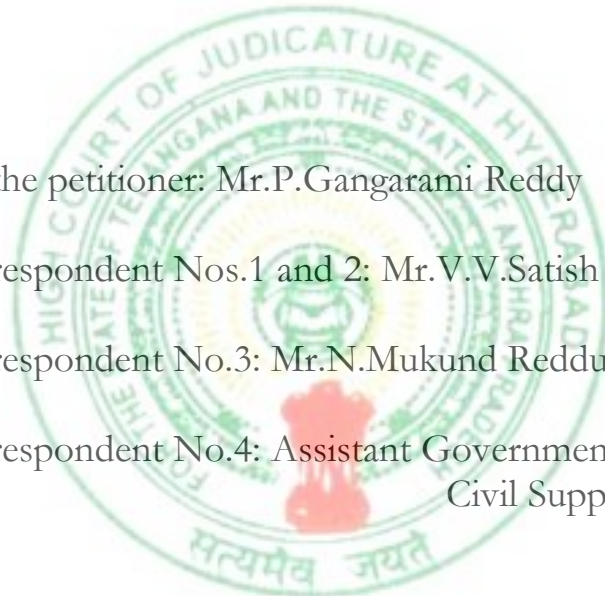
Counsel for the petitioner: Mr.P.Gangarami Reddy

Counsel for respondent Nos.1 and 2: Mr.V.V.Satish

Counsel for respondent No.3: Mr.N.Mukund Reddu

Counsel for respondent No.4: Assistant Government Pleader for
Civil Supplies

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of *certiorari* to quash order, dated 19.03.2014, in C.C.No.36 of 2012 on the file of the Andhra Pradesh State Consumer Disputes Redressal Commission - respondent No.4.

2. At the outset, it needs to be noted that respondent No.4 Commission has been bifurcated and the Telangana State Consumer Disputes Redressal Commission has been constituted for the State of Telangana within whose jurisdiction, the dispute in the present case falls. In view of the above development during the pendency of the writ petition, reference to respondent No.4 Commission shall be understood as the Telangana State Consumer Disputes Redressal Commission.

3. The petitioner filed C.C.No.36 of 2012 on the file of respondent No.4 Commission against respondent Nos.1 to 3 alleging deficiency of service. The said complaint was dismissed on the sole ground that the sale transaction was entered jointly by the petitioner and one Veena Vithalapuram and that the petitioner alone filed the complaint without joining her also as the complainant. In other words, respondent No.4 Commission

has dismissed the complaint on the ground of non-joinder of necessary party though it has observed that in view of non-joinder, it is not the proper *forum* to adjudicate the matter.

4. At the hearing, Mr.P.Gangarami Reddy, learned counsel for the petitioner, has submitted that the said Veena Vithalapuram is none other than the petitioner's own wife and that her not joining the petitioner in filing the complaint was not deliberate but *bona fide*. Mr.V.V.Satish, learned counsel for respondent Nos.1 and 2 and Mr.N.Mukund Reddy, learned counsel for respondent No.3, did not dispute the relationship between the petitioner and Veena Vithalapuram as claimed by the former.

5. Considering the above facts, we are of the opinion that the dismissal of the complaint only on the ground of non-joinder of the petitioner's wife resulted in failure of justice. The learned counsel for respondent Nos.1 and 2 has submitted that instead of permitting the petitioner to file a fresh complaint, the same complaint which has been dismissed by respondent No.4 Commission may be permitted to be re-presented, subject, however, to the right of respondent

Nos.1 and 2 to raise the aspect of limitation as the complaint itself was barred by limitation.

6. Having regard to the above facts and circumstances of the case, order, dated 19.03.2014, in C.C.No.36 of 2012 of respondent No.4 Commission is quashed and C.C.No.36 of 2012 is restored to file. Within one month from today, the petitioner shall implead Veena Vithalapuram as complainant No.2. Respondent Nos.1 and 2 are permitted to contest the complaint on all legally permissible grounds, including that of the limitation. Respondent No.4 Commission shall decide the complaint, on merits, after hearing all the parties.

7. The Writ Petition is, accordingly, allowed.

8. As a sequel to allowing the writ petition, I.A.Nos.1 and 2 of 2018 filed by the petitioner stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

29th June, 2018

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