

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-A-1817-MA-2015 (O&M)

Date of decision: 02.07.2019

K.L. Kohli

..... Applicant

Versus

M/s Netshares Pvt. Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Prateek Pandit, Advocate
for the applicant.

Mr. K.S. Nalwa, Advocate and
Mr. Y.S. Tiwana, Advocate and
Mr. Adhiraj Singh Thind, Advocate
for the respondents.

ANIL KSHETARPAL, J.(ORAL)

CRM-13741-2019

Prayer in the application is to implead the legal heirs of the appellant.

Application is allowed subject to just exceptions. The legal heirs of the appellant-K.L. Kohli as mentioned in para 2 of the application are ordered to be brought on record for the purpose of prosecuting the appeal only.

Amended memo of parties is taken on record.

CRM-A-1817-MA-2015

Leave to appeal has been sought against the judgment dated 07.09.2015. The appellant-complainant claims that he was lured into the

business of sale and purchase of share on account of a pamphlet circulated by respondent No.1 and its officials who claims to be associate of M.S. Gandhi-alleged stock broker. As per the finding arrived at, the dealing between the parties is not in dispute. It is also not disputed that whatever payments were made by the complainant to the respondent No.1-company have duly been accounted for and receipts thereof have been issued. Second part of the allegations is with respect of embezzlement of certain shares of the companies which were directed to be purchased on the instructions of the complainant. It has come in evidence that the aforesaid shares have been duly purchased and are in the demat account of respondent No.1-company. It has also come in evidence that the shares purchased by accused No.1-company have been retained in lieu of some payment due from the complainant. Even the Civil Court has found in a litigation between the parties that the complainant-appellant was to pay certain amount to respondent No.1-company and shares could be transferred only thereafter. It has also come in evidence that respondent No.1-company had sent two letters to the appellant-complainant calling upon him to clear his dues so that the shares could be transferred in his name.

In view of the aforesaid finding which are based upon appreciation of evidence, there is no ground to interfere.

Hence, leave to appeal is dismissed.

02.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No