

National Seeds Corpn. Ltd.

Vs

Prem Prakash Jain

SLP No. 3958 of 1995

(M. M. Punchhi, M. Srinivasan JJ)

12.12.1997

ORDER

The point arising in the instant SLP is whether mozaic disease which afflicted the tomato plants grown by the respondent in his fields, was due to seeds being contaminated or to other soil and climatic conditions. It is beyond dispute that a certain quantity of tomato seed was purchased by the respondent which had timely been sown for raising seedlings. Those seedlings were transplanted into the field. When the plants matured and were fruiting, it was claimed that they were afflicted by mozaic disease. Now, whether mozaic disease is carried from seed to plant and then onwards to seed, was a question which could only be answered after proper evidence had been led. The alternate question could have been whether mozaic disease afflicts only the plant and not the seed. The answer thereto again could have depended on evidence led. The evidence in the instant case being scanty, the National Consumer Disputes Redressal Commission has gone on the available evidence to decide in favour of the respondent, granting him Rs 20,000 as compensation. We presently are unable to shake off the basis of the decision. The petitioner - National Seeds Corporation Ltd. - would have to wait for a better case to have these questions solved. With these observations, the SLP is dismissed.