

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 22701 of 2015 (K)

PETITIONER(S):

**SWAMINATHAN,
MANAGER, M/S. KINGS AUTO, 24/560,
NEAR KINGS INTERNATIONAL, SHORNUR ROAD,
NURANI P.O., PALAKKAD.**

BY ADV. SRI.I.DINESH MENON.

RESPONDENT(S):

- 1. KERALA STATE CONSUMER REDRESSAL COMMISSION
(STATE COMMISSION), SISU VIHAR LANE,
SASTHAMANGALAM P.O., THIRUVANANTHAPURAM- 695 010.**
- 2. DISTRICT CONSUMER DISPUTES REDRESSAL FORUM,
PALAKKAD -678 001.**
- 3. RISHIKESH. K.,
RISHI, BHAGAVATHY NAGAR,
MANAPPULLIKAVU, PALAKKAD -678 013.**

R1 & R2 BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 22701 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE AWARD IN CC.19/2015 DATED 16.04.2015

EXHIBIT P2. COPY OF THE APPEAL DATED 20.05.2015.

EXHIBIT P3. COPY OF THE DELAY PETITION DATED 20.05.2015.

RESPONDENT'S EXHIBITS:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 22701 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the execution proceedings taken, pending an appeal before the State Commission. Admittedly, the petitioner filed a delayed appeal before the State Commission. It is for the petitioner to approach the State Commission and seek for expeditious consideration of the delay application as also the stay petition. This Court cannot invoke the extraordinary remedy under under Article 226 and this Court is not inclined to exercise its discretion, when there is an effective alternate remedy of the petitioner. But, however, if the petitioner pays 50% of the amounts before the Consumer Redressal Forum, Malappuram within two weeks, there shall be an interim stay of execution proceedings till the appeal is disposed of or the stay petition is considered; whichever is earlier. It is made

clear that the disbursal shall be only after the disposal of the appeal.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge