

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. 22762 of 2015 (U)

PETITIONER(S) :

- 1. SIVA PRASAD @ SREE PRASAD, (SALES MANAGER),
M/S.KINGS AUTO, 24/560, NEAR KINGS INTERNATIONAL,
SHORNUR ROAD, NURANI P.O., PALAKKAD.**
- 2. 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,
MALAPPURAM- 676 505.**
- 3. BHARATHAN V.S., F/O.BINJITH V.V,
VALIYAVEETIL HOUSE, PARIYAPURAM, MUKKOLA,
TANUR, MALAPPURAM DISTRICT- 679 302.**

R1 & R2 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOR

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

Msd.

WP(C).No. 22762 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE AWARD IN C.C.NO.5/2015 DATED 11.03.2015.

EXHIBIT P2: TRUE COPY OF THE APPEAL DATED 20.05.2015.

EXHIBIT P3: TRUE COPY OF THE DELAY PETITION DATED 20.05.2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 22762 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