THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT PETITION No.19478 OF 2015

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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to call for the records relating to E.A.No.17 of 2015 in C.C.No.1060 of 2010 pending on the file of the 2nd respondent – District Consumer Disputes Redressal Forum – III, Hyderabad, and to quash the same.

It is submitted by the learned counsel for petitioner that to enforce the order passed in the aforesaid C.C., the 1st respondent has filed the aforesaid E.A. before the 2nd respondent, but aggrieved by the very same order, petitioner has already filed an appeal in F.A.SR.No.558 of 2015 pending before the State Commission and as such, the aforesaid E.A. is not maintainable. The learned counsel, in support of his argument, has placed reliance on a judgment of this Court in **Maytas Properties Limited v. A.P. State Consumer Disputes Redressal Commission**.

As the petitioner has already filed an appeal before the State Commission aggrieved by the order passed in the aforesaid C.C. and as the State Commission is functioning now, the petitioner can as well pursue the appeal and the plea raised herein can also be considered by the appellate forum. Hence, we deem it appropriate to dispose of the Writ Petition by permitting the petitioner to pursue the appeal filed before the State Commission. Further, the interim order

passed by this Court shall continue to operate for a further period of six (6) weeks from today.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

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R. SUBHASH REDDY, J

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A. SHANKAR NARAYANA, J

December 07, 2015

MD