

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.41474 of 2015

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

On the complaint filed by the 3rd respondent against the petitioners in C.D.No.849 of 2008, the same was disposed of by the District Consumer Disputes Redressal Forum-III, Hyderabad, by order dated 16.07.2009, with the following directions:

“In the result, the complaint is allowed, directing the opposite parties Nos.1 and 2, to register the flat bearing No.546A admeasuring 1200 square feet on the 6th floor of the Manasa Sarovar Heights, situated in Survey No.1/4 of Hasmatpet Village, Balanagar and deliver the physical possession of the same to the complainant after receipt of the balance of consideration of Rs.80,000/- and registration charges prevailing as on the date of registration of the sale deed.

The complainant is directed to pay the balance sale consideration of Rs.80,000/- with interest @ 12% per annum to the opposite parties and in case of refusal to receive the amount she is at liberty to deposit the said amount with interest to the credit of this C.C.

The complainant has to bear registration charges and other expenses to be incurred in process for getting the flat registered.

No compensation is separately awarded to the complainant in this case in view of the direction given on the first relief.

However the complainant is entitled to costs of Rs.4,000/- from the opposite party as the complaint is filed in the year 2005.

This order is to be complied within four weeks from the

date of receipt of the order.”

2. On the appeals filed against the said order dated 16.07.2009 by the petitioners/opposite parties and the 3rd respondent/complainant vide F.A.Nos.1097 of 2009 and 1101 of 2009, respectively, the same were partly allowed by the A.P. State Consumer Disputes Redressal Commission, Hyderabad, vide common order dated 22.06.2010, the relevant portion of which reads as under:

“Having considered the matter in detail, we are of the opinion that except the direction to the complainant to pay interest @ 12% p.a., on the balance of sale consideration of Rs.80,000/-, rest of the order of the Dist. Forum is confirmed. In the light of pendency of appeal and stay, the complainant is directed to pay balance of sale consideration of Rs.80,000/- within four weeks from the date of receipt of order, before the Dist. Forum. The opposite parties are directed to execute the registered sale deed on fulfillment of directions issued by the Dist. Forum. The opposite parties are directed to pay costs of Rs.3,000/- in the appeal. Time for compliance four weeks.”

3. To enforce the said order, the 3rd respondent/complainant has filed E.A.No.25 of 2011 in C.D.No.849 of 2008 before the District Forum-III, Hyderabad. In this writ petition, it is the grievance of the petitioners/opposite parties that though they have complied with the directions issued on 03.11.2015 in E.A.No.25 of 2011, the said E.A. has not been closed.

4. Learned counsel for the petitioners submits that inspite of complying with the order dated 03.11.2015 in E.A.No.25 of 2011, warrants were issued against the petitioners and no orders are passed on the Memo filed on behalf of the petitioners/opposite parties, wherein it is stated

that they have complied with the orders.

5. Heard learned counsel for the petitioners/opposite parties and perused the material available on record.

6. In spite of service of notice, as the petitioners/opposite parties were not present before the District Forum, Hyderabad, warrants were issued against the petitioners. When the petitioners have filed a Memo dated 03.11.2015 stating that they have complied with the directions issued by the District Forum and sought for closure of the E.A., even before passing orders in the said E.A., the petitioners have filed the present writ petition.

7. It is to be seen that when E.A.No.25 of 2011 was listed on 03.11.2015, the District Forum, Hyderabad, has passed the following order:

“251 Cr.P.C. examination.

Counsel for the petitioner present. I.A. U/s. 317 Cr.P.C. to dispense with the presence of the petitioner filed and the same is allowed. Petitioner Counsel filed a memo stating that he has complied with the orders passed by this Forum. Call on 02.12.2015 for verification and compliance. Call on 02.12.2015.”

8. Since it is represented that the petitioners have fully complied with the directions issued by the District Forum, Hyderabad, and filed a Memo dated 03.11.2015 to the said effect, there is no reason in entertaining this writ petition, at this stage.

9. In view of the above, we deem it appropriate to dispose of the writ petition directing the 2nd respondent-District Forum-III, Hyderabad, to consider the Memo dated 03.11.2015 filed on behalf of the petitioners in E.A.No.25 of 2011 and pass appropriate orders in accordance with law, as expeditiously as

possible, preferably within a period of six weeks from the date of receipt of a copy of this order. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

22.12.2015.

Msr

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