

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

WRIT PETITION No.31317 of 2015

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

This writ petition is filed for Mandamus to declare the action of the 3rd respondent in proceeding with the Execution Petition in P.P.No.4 of 2015 in C.C.No.20 of 2014 on the file of the District Consumer Forum at Khammam during pendency of the appeal filed before the 2nd respondent, as illegal.

The 4th respondent is the complainant in the aforesaid CC filed before the District Consumer Forum at Khammam, which was allowed in part directing the petitioners herein to pay the maturity value of Rs.2,50,000/- in respect of LIC policy by deducting an amount of Rs.51,623/-. As against the same, the petitioners have carried the matter by way of appeal before the 2nd respondent – Telangana State Consumer Disputes Redressal Commission. On the ground that the 2nd respondent is not functioning due to non-appointment of Chairman, this writ petition is filed.

This Court, while issuing notice before admission on 28.09.2015, granted interim stay on condition of the petitioners depositing a sum of Rs.1,00,000/- before the District Consumer Forum, Khammam.

When the matter is called for hearing today, it is represented that in view of the appointment of Chairman to the 2nd respondent, the 2nd respondent/Commission is now functioning. It is also submitted that in compliance to the directions issued by this Court, an amount of Rs.1,00,000/- is already deposited.

As much as the petitioners are stated to have filed appeal before the 2nd respondent, we deem it appropriate to dispose of the writ petition permitting the petitioners to pursue the appeal and interlocutory applications filed therein before the 2nd respondent. Interim order passed by this Court shall continue to operate for a period of six weeks from today. Though a request is made by learned counsel for the 4th respondent to permit the 4th respondent to withdraw the amount of Rs.1,00,000/-, which was deposited pursuant to the orders of this Court, as the 2nd respondent is stated to have been functioning, the 4th respondent shall approach the 2nd respondent and seek appropriate directions.

Granting liberty to the petitioners to pursue the appeal before the 2nd respondent and extending interim order passed by this Court for a period of six weeks from today, the Writ Petition is disposed of. It is open for the petitioners to seek appropriate interim orders in the appeal filed before the 2nd respondent.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

01.12.2015

v v