

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

-
WRIT PETITION No.21383 OF 2015

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

This Writ Petition is filed with the prayer, which reads as under:

“...to issue writ, order or direction more particularly in the nature of writ of certiorary calling all the records pertaining order in C.C.No.50/2013 dated 18.11.2014 passed by the Hon'ble District Forum, Nizamabad, and quash the same as highly illegal, arbitrary and unconstitutional and consequently stay all the further proceedings execution/operation of the order in C.C.No.50/2013 dated 18.11.2014 and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Respondent No.2 filed the aforesaid C.C. to direct the petitioners/opposite parties to pay the amounts due to her. The District Consumer Disputes Redressal Forum, Nizamabad, by impugned order, dated 18.11.2014, issued directions to the petitioners to pay the sum assured i.e., Rs.14,00,000/- with 9% interest, under Ex.A1 Policy, from the date of repudiation i.e., 26.02.2013 till realisation, to the complainant.

In this Writ Petition, it is the case of the petitioners that questioning the impugned order, dated 18.11.2014,

petitioners have filed F.A.Sr.No.816 of 2015 before the State Commission, but as the State Commission is not functioning due to non-filling of the post of Chairman and Members, the same is pending consideration and hence, the petitioners have filed the present Writ Petition.

We have perused the impugned order passed by the District Consumer Forum. With regard to the merits on the claim of the petitioners, it is to be gone into by the State Commission after it starts functioning. Having regard to the findings recorded by the District Consumer Forum in the impugned order, we deem it appropriate to stay the enforcement of the impugned order on condition of petitioners depositing 50% of the amount awarded by the District Consumer Forum within a period of six (6) weeks from today. With regard to withdrawal of the deposited amount, it is for respondent No.2 to approach the State Commission, after it is constituted, for appropriate orders.

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

JUSTICE R.SUBHASH

REDDY

JUSTICE A.SHANKAR

NARAYANA

July 13, 2015
MD