

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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W.P.No.22417 of 2015

Between:

Life Insurance Corporation of India and others

.. Petitioners

and

The State of Telangana and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: July 20, 2015

SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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

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WRIT PETITION No.22417 OF 2015

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

This Writ Petition is filed by the Life Insurance Corporation of India and two others seeking to declare the order, dated 15.12.2014, passed in C.C.No.955 of 2011 by the District Consumer Disputes Redressal Forum – III, Hyderabad, under the Consumer Protection Act, 1986, as illegal and arbitrary.

On the complaint filed by respondent No.3, the District Consumer Forum has passed the impugned order directing the petitioners to pay a sum of Rs.2,00,000/- to respondent No.3 towards double accident benefit under Policy No.673365020 with interest at 9% per annum from the date of policy i.e., 01.01.2006 till realisation, apart from directing to pay Rs.50,000/- towards compensation and Rs.2,000/- towards costs. Aggrieved by the same, petitioners filed F.A.SR.No.134 of 2015 before the State Commission on 23.02.2015 along with a petition to condone the delay of eight days in filing the appeal, but as the State Commission is not functioning as of now, the same is pending consideration.

In this Writ Petition, it is the case of the petitioners that in view of the delay in filing the appeal and as the State Commission is not functioning as of now, the appeal is not numbered and is pending consideration.

The impugned order of the District Consumer Forum is questioned on various grounds, but in view of the pendency of appeal before the State Commission, the same cannot be gone into at this stage and it is for the State Commission to decide the same. In view of the findings recorded by the District Consumer Forum, we deem it appropriate to dispose of the Writ Petition by granting stay of operation of the impugned order on condition of petitioners depositing half of the amount awarded by the District Consumer Forum including interest within a period of four (4) weeks from today. While calculating half of the amount as indicated above, petitioners are entitled to the credit of Rs.25,000/-, which was already deposited as a pre-condition for filing the appeal before the State Commission. Further, we observe that it is open to respondent No.3 – claimant to move appropriate application before the State Commission for withdrawal of the amount deposited and on filing such application, it is open to the State Commission to decide the same on its own merits.

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

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

July 20, 2015

Note: Issue C.C. today.

B/o.MD