

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

-
WRIT PETITION No.17457 OF 2015

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

This Writ Petition is filed seeking to transfer C.C.No.70 of 2014 from the file of District Consumer Disputes Redressal Forum, Adilabad, to the file of any other District Consumer Forum at Hyderabad.

Complaining deficiency of services from the petitioner, who is a Medical Officer, respondent No.3 has filed the aforesaid C.C.. Transfer of the said C.C. is sought for mainly on the ground that there was no cause of action within the limits of Adilabad District Consumer Disputes Redressal Forum and inasmuch as the medical facilities are availed at Hyderabad, Hyderabad District Consumer Forum has jurisdiction to entertain the same.

Section 11 of the Consumer Protection Act, 1986 reads as under:

“11. Jurisdiction of the District Forum –

(1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed does not exceed rupees five lakhs.

(2) A complaint shall be instituted in a

District Forum within the local limits of whose jurisdiction, -

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business or have a branch office, or personally work for gain, as the case may be, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.”

From a reading of the aforesaid Section, it is clear that a complaint can be entertained in a District where the cause of action arises in whole or in part.

In this case, it is not in dispute that respondent No.3 has taken medical treatment by taking reimbursement from her father's employer, A.P.S.R.T.C., Bhainsa, Adilabad District. In that view of the matter, *prima facie*, we are of the view that it cannot be said that Adilabad District Consumer Forum has no jurisdiction to entertain the C.C..

In any event, it is a matter to be gone into after leading evidence and while disposing of the C.C. finally and the

same is not a ground to transfer the C.C. at this stage. Hence, we do not find any merit in this Writ Petition, so as to transfer the C.C..

Accordingly, the Writ Petition is dismissed. However, the plea raised herein by the petitioner shall be independently considered by the Adilabad District Consumer Forum, while disposing of the C.C. finally. The C.C. shall be disposed of as expeditiously as possible, preferably within a period of three (3) months from today.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R.SUBHASH

REDDY, J

A.SHANKAR

NARAYANA, J

June 19, 2015
MD