

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

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WRIT PETITION No.23385 OF 2015

Between:

The Superintending Engineer,
Southern Power Distribution Company Limited,
Telangana State and others

.. Petitioners

and

The Telangana State Consumer Disputes
Redressal Commission, Hyderabad,
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 18,
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 |
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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.23385 OF 2015

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

Heard learned counsel for the petitioners and also learned Government Pleader for Civil Supplies.

This Writ Petition is filed seeking to declare the bailable warrants issued by the District Consumer Forum, Medak at Sanga Reddy, on 25.06.2015 in E.A.No.3 of 2015 in C.C.No.7 of 2013, as unjust and illegal.

On 18.06.2011, when the husband of respondent No.3 touched the starter of electric motor to irrigate his land, he received electric shock and died instantaneously. Alleging that the said incident took place only due to the negligence on the part of petitioners in not properly maintaining LT wire, which touched the starter on account of heavy wind, respondent No.3 filed the aforesaid C.C. before the District Consumer Forum, Medak at Sanga

Reddy, against the petitioners claiming compensation of Rs.10,00,000/- along with costs of Rs.2,000/-. The District Forum, by order, dated 31.10.2014, has allowed the complaint by directing the petitioners to pay compensation of Rs.5,00,000/- with costs of Rs.2,000/-. On the ground that the said order is not complied with, respondent No.3 filed E.A.No.3 of 2015. The District Forum, by impugned order, dated 25.06.2015, issued bailable warrants against the petitioners – judgment debtors.

In this Writ Petition, it is the case of the petitioners that aggrieved by the order, dated 25.06.2015, they carried the matter by way of appeal before the Telangana State Consumer Disputes Redressal Commission, Hyderabad, but as the State Commission is not functioning as of now, the same is not taken up and hence, they filed the present Writ Petition.

Inasmuch as the petitioners have already filed an appeal before the State Commission, it is for the appellate authority to see the correctness or otherwise of the order of the District Forum. Having regard to the findings recorded by the District Forum, we deem it appropriate to direct the respondents not to enforce the bailable warrants issued on 25.06.2015 and the order, dated 31.10.2014, passed in C.C.No.7 of 2013 by the District Forum on

condition of petitioners depositing an amount of Rs.2,50,000/- (Rupees two lakhs fifty thousand) towards half of the compensation awarded by the District Forum and costs of Rs.2,000/- (Rupees two thousand) before the District Forum within a period of four (4) weeks from today. It is made clear that if such amount is not deposited within the time stipulated above, this order stands vacated automatically and it is open to respondent No.3 to take further steps in accordance with law. With regard to withdrawal of the amount, we grant liberty to respondent No.3 to move the State Commission, after it starts functioning.

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
August 18, 2015
MD