

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.38135 OF 2015

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

In this Writ Petition, the petitioner has questioned the action of respondent No.2 - District Consumer Disputes Redressal Forum-I, Visakhapatnam, in issuing Non-Bailable Warrant against her, by order, dated 29-09-2015, in E.A. No.17 of 2015 in C.C. No.197 of 2012.

2. The main contention of learned counsel for the petitioner is that the aforesaid order is passed by respondent No.2 by exercising jurisdiction which is not vested in it.

3. It is to be noted that, if any order is passed by the District Forum under the provisions of the Consumer Protection Act, 1986 (for short 'the Act'), appeal lies to the State Consumer Disputes Redressal Commission, under Section 15 of the Act, apart from the remedy available under Section 17 (1) (b) of the Act, in the event of exercising of jurisdiction by the District Court which is not vested in it. Further, the petitioner has already filed appeal before the State Consumer Redressal Commission. In view of alternative remedy available to the petitioner, there is no reason to entertain the present writ petition.

4. Accordingly, the Writ Petition is dismissed, granting liberty to the petitioner to approach the State Consumer Disputes Redressal Commission, for redressal of its grievance. No order as to costs.

5. As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition, stand disposed of.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

November 26, 2015.

Note:

1. The Registry is directed to return the certified copy of the impugned order on substitution of its photostat copy by obtaining endorsement from the learned counsel for the petitioner.

2. Furnish C.C. by 30.11.2015

(B/o.)

Mgr