

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

W.P.No.22686 OF 2015

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

In this writ petition the petitioners seeks a direction by way of Writ of Certiorari to call for records pertaining to the docket order dated 10.07.2015 in SR.No.1321 of 2015 in P.P.No.49 of 2014 in C.C.No.78 of 2014 on the file of the 1st respondent-District Consumer Disputes Redressal Forum – II, Vijayawada, Krishna District, and to quash the said order.

Respondents 2 and 3 are the complainants in C.C.No.78 of 2014 on the file of the 1st respondent. In the aforesaid C.C. final orders are passed on 21.10.2014 directing the petitioners/opposite parties to pay a sum of Rs.6,71,700/- i.e. fixed and term deposits amount with interest from the date of filing the complaint i.e. 04.04.2014, to pay further interest @ 9% per annum from 05.04.2015 till realization, Rs.20,000/- towards mental agony and Rs.5,000/- towards costs.

To enforce the said order, respondents 2 and 3 herein filed an application in P.P.No.49 of 2014 as against the final order passed by the 1st respondent. The petitioners carried the matter by way of appeal i.e. FA(SR).No.1475 of 2015 before the A.P. State Consumer

Disputes Redressal Commission, Hyderabad. As there was delay in filing the same, they filed I.A.No.1938 of 2015 in F.A.(SR) No.1475 of 2015. In view of the pendency of the appeal filed by the petitioners along with an application to condone the delay, it appears that the petitioners have moved an application in SR No.1321 of 2015 under Section 24 of the A.P. Consumer Protection Act to reject the claim made in P.P.No.49 of 2014, basing on which the impugned order came to be passed.

As the respondents 2 and 3 are taking steps when the application in I.A.No.1938 of 2015 is pending before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, the petitioners approached this Court by way of present writ petition. This Court while ordering notice before admission, by order dated 22.07.2015 granted interim order of stay as prayed for and the same is continued since then.

Now it is contended that as the application i.e. I.A.No.1938 of 2015 seeking to condone the delay is pending consideration and unless the delay is condoned, it cannot be said that the appeal filed by the petitioners is pending consideration, so as to interdict the proceedings in P.P.No.49 of 2014 and C.C.No.78 of 2014.

It is contended by the learned counsel for petitioners that once their application to condone the delay in filing appeal is disposed of, there also another application filed by the petitioners for grant of interim orders.

In view of the pendency of I.A.No.1938 of 2015 before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, it is not necessary for this Court to go into the merits of the matter. But, at the same time, as it is stated that as the respondents 2 and 3 already filed P.P.No.49 of 2014, in view of the pendency of the proceedings before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, we deem it appropriate to dispose of the writ petition with a direction to the A.P. State Consumer Disputes Redressal Commission, Hyderabad to dispose of I.A.No.1938 of 2015 in FA (SR) No.1475 of 2015, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, no further steps shall be taken pursuant to the docket order dated 10.07.2015 passed in F.A.(SR) No.1475 of 2015 in P.P.No.49 of 2014 in C.C.No.78 of 2014 on the file of the 1st respondent.

Subject to the above directions, the writ petition is disposed of, but without costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

R. SUBHASH REDDY, J

A.SHANKAR NARAYANA, J

28.09. 2015

Note: copy of this order be marked
to the Registrar, A.P. State Consumer Disputes
Redressal
Commission, Hyderabad.
b/o kvrm

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

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