

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

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WRIT PETITION No.13617 OF 2015
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed with the prayer which reads as under:

“TO issue an appropriate writ, order, or direction more particularly one in the nature of writ of mandamus declaring the action of the District Consumer Forum – III, Hyderabad the 3rd respondent herein, in proceeding with the application in E.A No. 73 of 2014 in C.C. No.872 of 2011 without considering the circumstances of the case, as arbitrary, illegal and violation of principles of natural justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The 4th respondent filed C.C.No.872 of 2011 before the District Consumer Disputes Redressal Forum – III, Hyderabad. The said Forum, by order, dated 18.07.2014, directed the petitioner to pay a sum of Rs.15,59,000/- with interest at 9% per annum from 20.01.2011 till the date of realisation apart from directing to pay compensation of Rs.20,000/- and costs of Rs.2,000/-. Aggrieved by the same, petitioner carried the matter by way of appeal before the 2nd respondent – State Commission, but the same could not be taken up as there is no presiding Chairman to the 2nd respondent – Commission. In the meanwhile, as the 4th respondent has filed E.A.No.73 of 2014 in the said C.C. to enforce the order, dated 18.07.2014, the petitioner has approached this Court by filing the present Writ Petition.

This Court, by order, dated 29.04.2015, while admitting the Writ Petition, granted stay of all further proceedings before the District Forum.

Today, when the matter is called, it is submitted by the learned counsel for petitioner that the 2nd respondent – Commission is now functioning. In that view of the matter, as appeal is already filed aggrieved by the order, dated 18.07.2014, it is open to the petitioner to seek appropriate orders from the 2nd respondent - Commission. Hence, we deem it appropriate to dispose of the Writ Petition by permitting the petitioner to pursue the appeal along with I.A., if any, filed before the 2nd respondent. We further direct that the interim order passed by this Court on 29.04.2015 shall continue to operate for a further period of four weeks from today.

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

November 18, 2015

MD