

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1159 of 2015 (O&M)

Date of Decision.30.01.2015

Jagdish Kumar Jindal

.....Petitioner

Versus

State Bank of Patiala and others

.....Respondents

Present: Mr.B.D. Sharma, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

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K. KANNAN J. (ORAL)

1. The petitioner who suffered an adverse judgment by reversal of the decision of the District Consumer Forum and subjected to liability of ₹ 50,000/- as costs, preferred a further appeal to the National Consumer Forum but it appears to have been dismissed as withdrawn. The petitioner is before this Court contending that the State Commission has competency to impose costs of ₹ 10,000/- but the costs imposed as ₹ 50,000/- is without jurisdiction.

2. An order which is passed by an authority, if it is erroneous and there is forum also available for assailing the said decision, the action must be pursued only before that Forum. If he had filed a revision before the National Forum and chose to withdraw it, he must be deemed to have waived his right to canvass the correctness of the decision in any other Forum. Article 226 cannot be invoked, for, there was an efficacious remedy to be pursued in a Forum which is statutorily created

for that purpose. The petitioner cannot be heard on the validity of the order before this Court of what he failed to do before a competent Forum.

3. The writ petition is dismissed.

(K. KANNAN)
JUDGE

January 30, 2015
Pankaj*