

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO
WRIT PETITION No. 10732 OF 2015**

ORDER : *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This Writ Petition is filed seeking a writ of mandamus for declaring the action of the 1st respondent State Consumer Disputes Redressal Commission of Andhra Pradesh, Khairatabad, Hyderabad in not granting interim stay in F.A.No. 60 of 2016 which was preferred against the order passed on 31.12.2015 in C.C.No. 407 of 2014 by the District Consumer Forum-I, Visakhapatnam in spite of showing the urgency that the 2nd respondent is pressing E.A.No. 22 of 2016, as arbitrary and bad in law.

It is appropriate for us to point out, before setting out the legal principle, that a docket order was passed on 21.03.2016 by the President of the Andhra Pradesh State Consumer Disputes Redressal Commission at Hyderabad in F.A. No. 60 of 2016, which reads as under:

“ At the request of the appellant's counsel, post on 12.04.2016.”

We fail to understand as to how such a docket order can be called in question before any Court. If the writ petitioner, who is the appellant before the State Consumer Disputes Redressal Commission, Hyderabad, seeks an adjournment and if that Commission accords such an adjournment, how can the same party turn round and call in question such an order granting adjournment? If there is any urgency, the petitioner, who is the appellant before the State Commission, should have impressed that Court about the urgency and then, pressed for the necessary relief. A party cannot seek an adjournment before the Commission and then challenge the same in a Writ Petition before this Court.

This apart, any order passed by the State Commission is liable to be appealed against by an aggrieved party under Section 19 of the Consumer Protection Act, 1986 before the National Commission. Hence, the question of instituting a Writ Petition itself is a misconceived exercise.

For the aforesaid reasons, this Writ Petition is devoid of merit and it is accordingly, dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

01st April 2016

ksld