

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition No.134 of 2010

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The 6th respondent approached the District Consumer Redressal Forum, Vizianagaram by filing C.O.P.No.8 of 2009 for refund of the amount due on maturity of the fixed deposit kept with the petitioner-bank. The District Forum passed an order on 21.04.2009 directing refund. On the ground that the order was not complied with, the 6th respondent filed P.P.No.41 of 2009 in C.O.P.No.8 of 2009 before the District Forum.

The fact that the fixed deposit amount was not refunded to the 6th respondent is not in dispute. The petitioner herein preferred an appeal before the A.P. State Consumer Disputes Redressal Commission, Hyderabad which, in its order dated 11.12.2009, noted that no appeal had been preferred against the order passed by the District Forum directing refund of the amount; the appeal was preferred only against the order passed in the Execution Proceedings; the original order passed by the District Forum had attained finality; they could not go behind the order passed by the District Forum; and, considering the submissions made by the appellant, there shall be stay on deposit of Rs.10,000/- within a period of two weeks before the State Commission. The petitioner failed to deposit even this sum of Rs.10,000/- and, instead, invoked the jurisdiction of this Court.

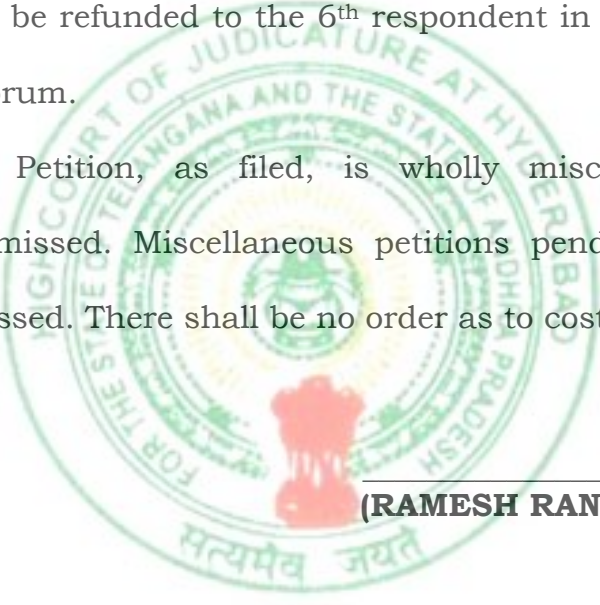
By its interim order dated 06.01.2010, this Court directed stay of arrest of the petitioner-judgment debtor for a period of four weeks which was extended, by order dated 15.03.2010, until further orders.

The relief sought for in the Writ Petition is to direct the 4th respondent-Cooperative Urban Bank, which is due certain amounts to the petitioner, to repay the amount so as to enable them to comply with

the order passed by the District Forum, Vizianagaram. The *inter-se* disputes, between the petitioner on the one hand and the 4th respondent on the other, cannot result in the 6th respondent being denied refund of the amounts due to him in terms of the order, passed by the District Forum, which has attained finality.

Sri P.Bhanu Prakash, learned counsel for the 4th respondent, would submit that the 4th respondent is also under liquidation; and while they have repaid a portion of the amount borrowed from the petitioner; they are unable to repay the amount due to the petitioner in its entirety. The fact that the 4th respondent is still due certain amounts to them does not absolve the petitioner of their obligation to repay the fixed deposit amount liable to be refunded to the 6th respondent in terms of the order of the District Forum.

The Writ Petition, as filed, is wholly misconceived and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

02nd December, 2016
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Date: 02.12.2016

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