

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.KALYANASUNDARAM

W.P.No.19302 of 2003

S.Sudhakhar

...Petitioner

Vs.

1. The President,
District Consumer Disputes Redressal Forum,
Chennai-(North),
R.K.Mutt Road, Ist Floor,
Mylapore, Chennai - 600 004.
 2. The Chairman,
The State Consumer Disputes Redressal Commission,
R.K.Mutt Road, IIInd Floor,
Mylapore, Chennai - 600 004.
 3. A.R.Subramanian
-Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the entire records pertaining to the E.P.No.23 of 2003 in O.P.No.52 of 2002, dated 23.06.2003 pending on the file of the 1st respondent and quash the same as illegal, perverse, non-application of mind and against the provision of Sections 24 and 25 of the Consumer Protection Act.

For Petitioner : Ms.P.V.Jayakumari

For Respondents : Mrs.J.Kanimozhi for R1 and R2

Mr.Shivakumar and Suresh for R3

O R D E R

Challenging the order passed by the first respondent in E.P.No.23 of 2003 in O.P.No.52 of 2002, dated 23.06.2003, the petitioner has filed this Writ Petition.

2. The contention of the petitioner is that aggrieved over the order of the first respondent passed in O.P.No.52 of 2002, he has filed an appeal before the second respondent. When the proceedings has not reached finality, the execution petition cannot be entertained.

3. It is settled law that mere pendency of an appeal cannot be a ground to reject the execution petition and unless an interim order is obtained in the appeal, the third respondent is entitled to file an Execution Petition. It is seen from the records even the appeal filed by the petitioner was not yet numbered and it was only in SR Stage.

4. In view of the above fact, there is no merit in the Writ Petition and hence, the Writ Petition is dismissed. There is no order as to costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rns / sm

To

1. The President
District Consumer Disputes Redressal Forum,
Chennai-(North),
R.K.Mutt Road, Ist Floor,
Mylapore, Chennai - 600 004.
2. The Chairman,
The State Consumer Disputes Redressal Commission,
R.K.Mutt Road, II nd Floor,
Mylapore, Chennai - 600 004.

+1cc to Mr.P.C.Harikumar, Advocate Sr. 42955
+1cc to Mr.Shivakumar, Advocate Sr. 43238

W.P.No.19302 of 2003

NMI (CO)
VR(28/06/2017)