



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.7280 of 2013

and

M.P(MD)Nos.1 and 2 of 2013

N.Jeganathan

.. Petitioner

Vs.

1.The President,
District Consumer Disputes Redressal Forum,
Tuticorin-2.

2.Dr.R.Gomathy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to follow the provisions of Code of Civil Procedure and Civil Rules of Practice, while trying the complaint as per Section 13(4) of the Consumer Protection Act, 1986 and consequently direct the first respondent to receive the petition filed by the petitioner under Order-16, Rule -7 and 14 of CPC and decide the same on merits in accordance with the law.

For Petitioner : Mr.H.Arumugam

For 1st Respondent : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

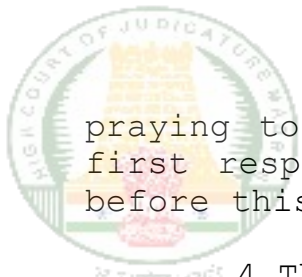
For 2nd Respondent : Mr.K.K.Senthil

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to receive the petition filed by the petitioner and decide the same on merits and in accordance with the law.

2.Heard both sides.

3.The case of the petitioner is that he filed a consumer complaint against the second respondent before the first respondent for the death of his wife, due to negligence on the part of the second respondent and the same has been taken on file in C.C.No.202 of 2002. During pendency of the same, he also filed an application, under Order 16, Rules 7 and 14 of the Code of Civil Procedure,



praying to examine one Dr.K.Hemalatha, as a Court witness and the first respondent rejected the same. Therefore, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that it would be suffice, if the application of the petitioner, is taken on file, by the first respondent, as per law.

5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the petitioner to represent the application before the first respondent within a period of two weeks from the date of receipt of a copy of this order and on such representation, the first respondent shall take the application on file in the light of the provisions of the Code of Civil Procedure and decide the same on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the second respondent, within a period of eight weeks, thereafter.

6.The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The President,
District Consumer Disputes Redressal Forum,
Tuticorin-2.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.89671

+1cc to Mr.H.ARUMUGAM Advocate in SR. No. 89415

+1cc to Mr.K.K.SENTHIL Advocate in SR. No. 89542

SMN

JS/KP/SAR.3/14.12.2017/2P-5C

**ORDER MADE IN
W.P(MD)No.7280 of 2013
and
M.P(MD)Nos.1 and 2 of 2013
24.11.2017**