

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.27732 of 2017

JUDGMENT: (per Justice Sanjay Kumar)

This writ petition was filed assailing the action of the Registrar of the District Consumer Forum-I, Hyderabad, in not posting the case of the petitioner/party-in-person for hearing.

By common order dated 29.06.2016 passed in W.P.Nos.12750 of 2013, 28445 of 2015 and CC (SR).No.6353 of 2013, a Division Bench of this Court set aside the order of the District Consumer Forum-I, Hyderabad, in C.C.No.425 of 2011 and remanded the matter to the District Consumer Forum-I, Hyderabad, to hear the matter afresh on the aspect of the terms of the policy exhibited before it and decide as to whether the policy contained any further note like in United India Insurance Company Limited v. Krishna Prakash Dubey¹ to apply the principle laid down therein to the case on hand so as to refer the case of the petitioner to any panel of doctors or else to observe the difference and dismiss the claim if there was no such note. The petitioner/party-in-person sought review of the said order by way of Review W.P.M.P.No.33783 of 2016 in W.P.No.12750 of 2013. The said review petition was dismissed by the Division Bench on 26.08.2016.

It appears that the petitioner/party-in-person addressed letter dated 11.07.2017 to the Registrar of the District Consumer Forum-I, Hyderabad, adverting to the fact that he had filed review and recall petitions before this Court but requesting that his case be posted before the Forum at an early date.

¹ IV (2011) CPJ 142 (NC)

The petitioner/party-in-person would contend that despite his letter, the Registrar of the District Consumer Forum was not taking steps to post his case for hearing afresh in terms of the remand order passed by this Court.

However, we find that as the petitioner/party-in-person himself informed the Registrar of the District Consumer Forum that he had filed review and recall petitions before this Court, it is possible that the Registrar is not taking steps in the light of the same.

The writ petition is therefore disposed of permitting the petitioner/party-in-person to bring it to the notice of the Registrar, District Consumer Forum-I, Hyderabad, that the review petition filed before this Court has already been dismissed and that the remand order dated 29.06.2016 passed in W.P.No.12750 of 2013 and batch has to be acted upon. We are certain that once this aspect of the matter is brought to the notice of the Registrar, District Consumer Forum-I, Hyderabad, necessary steps would be taken in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

Date:31.08.2017
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