



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.2077 of 2018

and

C.M.P. (MD) No.9190 of 2018

K.M.Khader Mohaideen

...Petitioner

-Vs-

1.R.Seethalakshmi

2.P.Ramalingam @ Durairaj

3.Force Motors Limited,
A Firodia Enterprise,
(Formerly Known as Bajaj Tempo Limited),
Mumbai-Pune Road, Akurdi,
Pune-411035.

4.M.Palaniappan,

5.S.N.R.Tempo,
207/5, 208/5, Tirunelveli Road,
Opposite to K.R.College,
Kovilpatti, Tuticorin District-628 502.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the District Consumer Disputes Redressal Forum, Dindigul District to number the unnumbered C.M.P.No. of 2018 in C.C.No.18 of 2009 dated 28.08.2018 on the file of the District Consumer Disputes Redressal Forum, Dindigul District by allowing this Civil Revision Petition.

For Petitioner: Mr.D.Selvaraj

ORDER

The revision petitioner was one of the opposite parties in C.C.No.18 of 2009 on the file of the District Consumer Disputes Redressal Forum, Dindigul. The forum by an order dated 22.03.2011 fixed joint and several liability on the respondents 2 to 4. Therefore, the forum is right in taking the stand that the sum of Rs.3,44,800/- (Rupees Three Lakhs Forty Four Thousand and Eight Hundred Only) deposited by the revision petitioner would not amount to discharge of his liability as directed in C.C.No.18 of 2009 dated 22.03.2011. Even though this Court concurs with the



aforesaid stand taken by the Consumer Disputes Redressal Forum, this Court is of the view that C.M.P.No. of 2018 filed by the petitioner can be numbered and the amount deposited can be accepted.

2.The learned counsel appearing for the petitioner submits that only thereafter, he can take action against the other respondents.

3.Be that as it may, the Court below need not return the amount remitted by the revision petitioner herein. Therefore, the order impugned in this civil revision petition is set aside and the Consumer Disputes Redressal Forum is directed to number the civil miscellaneous petition filed by the petitioner herein and accept the remittance made by him towards partial liquidation of his liability.

4.With this observation, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1.The Consumer Disputes Redressal Forum,
Dindigul District.

2.The Record Keeper,
ER Section, Madurai Bench of Madras High Court,
Madurai.(to return the original impugned order to the revision
petitioner.)

+ 1 CC TO MR.D.SELVARAJ, ADVOCATE IN SR NO.86117

MYR

BU/PM/SAR-III:02.11.2018 : 2P/4C

C.R.P. (NPD) (MD) No.2077 of 2018
24.09.2018