

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.28551 of 2010

Date: 10.08.2018

Between:

Shri Shivarama Krishna Hire Purchase &
Finance Private Limited
Rep. by its Managing Director
Sri M.Mohan Reddy

..Petitioner

and

Smt.Votarikuri Laxmi & another

..Respondents

Counsel for the petitioner: M/s.Kuriti Bhaskara Rao

Counsel for respondent No.1: None appeared

Counsel for respondent No.2: AGP for Civil Supplies

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed assailing Order, dated 14.08.2010, in CC.No.51 of 2008, on the file of respondent No.2- District Consumer Disputes Redressal Forum at Nizamabad.

At the hearing, Mr.Kuriti Bhaskara Rao, learned Counsel for the petitioner, has conceded that against the impugned order, his client has the remedy of Appeal under Section 15 of the Consumer Protection Act, 1986. He, however, submitted that as the availment of such remedy is onerous in that, his client has to deposit 50% of the amount awarded by respondent No.2- District Consumer Disputes Redressal Forum, he had perforce filed this Writ Petition.

We are afraid we cannot accept the above submission of the learned Counsel for the petitioner. When a statute created remedies to the parties by constituting hierarchical *Fora*, they cannot be allowed to bypass those remedies, purportedly, on the ground that availment of the same is onerous. The remedy of Appeal is always perceived as an effective alternative remedy. Therefore, the plea of the

petitioner that the said remedy is onerous is wholly specious and unacceptable.

For the aforementioned reasons, the Writ Petition is dismissed with liberty to the petitioner to avail the alternative remedy in terms of the above observations.

As a sequel to dismissal of the Writ Petition, interim order, dated 19-11-2010, is vacated and WPMP.No.36427 of 2010 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 10th August, 2018
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