

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.5209 of 2018

Date: 28.06.2018

Between :

M/s. Tapadia Diagnostic Centre Private Limited,
Hyderabad and another.

... Petitioners

And

The State of Telangana,
Rep. by its Principal Secretary,
Law Department, Secretariat Buildings,
Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONERS : Mr. Sarang J. Afzulpurkar

COUNSEL FOR RESPONDENTS : G.P. for Civil Supplies (TS)
for R1 and R2
Sri D. Rajasekhar for R3 to R5

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for Prohibition restraining respondent No.2 from entertaining the Consumer Case No.209 of 2017 filed by respondent Nos.3 to 5 on the ground that it had no pecuniary jurisdiction.

In the affidavit filed in support of the writ petition, the 1st petitioner has averred that it has filed an application in C.C.I.A.No.209 of 2017 before respondent No.2 raising the plea of lack of pecuniary jurisdiction and that respondent No.2, instead of deciding the said application, is proceeding with the main case.

The issue of pecuniary jurisdiction needs to be raised before and adjudicated by the authority before which the main case is pending. When the petitioners have already raised an objection before respondent No.2 regarding its jurisdiction, it is not appropriate for this Court to entertain a writ petition to adjudicate the same issue.

In this view of the matter, while declining to adjudicate the present writ petition on merits, respondent No.2 is, however, requested to decide the issue of jurisdiction along with other issues, while disposing of the main Consumer Case on merits.

With the above observations, the writ petition is dismissed.

No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

28.06.2018.

Msr



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