

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.30936 of 2010

Date: 10.08.2018

Between:

The Union of India
Rep. by its Secretary
Indian Railways, New Delhi and 2 others

..Petitioner

and

Dr.Smt.G.Indira Narayana and 2 others

..Respondents

Counsel for the petitioner: Mr.P.Bhaskar

Counsel for respondent No.1: Mr.Mynam Bhaskar

Counsel for respondent Nos.2 & 3: 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 for issue of Prohibition restraining respondent No.3- Andhra Pradesh State Consumer Disputes Redressal Commission, Hyderabad, from proceeding with First Appeal No.793 of 2010 pending on its file.

By Order, dated 18-06-2010, passed by respondent No.2- District Consumer Disputes Redressal Forum in CC.No.59 of 2010, which is the subject matter of the aforementioned Appeal, the petitioners were directed to pay damages of Rs.6,00,000/- towards loss of money, jewellery, valuable documents *etc.*, to respondent No.1/Complainant. It is the common case that while respondent No.1 has filed First Appeal No.793 of 2010 dissatisfied with the quantum of damages awarded by respondent No.2, the petitioners have filed another Appeal assailing the said Order. The fact that the petitioners have filed such an appeal is stated in the counter-affidavit filed by respondent No.1, which reads as under:

“It is submitted that the petitioners herein have stated in their affidavit that they have filed an appeal before

the Hon'ble State Consumers Dispute Redressal Commission, Vizianagarm, dated 18-6-2010, in C.C.No.59 of 2010. Therefore there is no necessity to file this Writ Petition but for stalling the proceedings before the State Consumer Dispute Redressal Commission and deprived the respondent from seeking Reddressal for the heavy loss suffered on account of negligence and deficiency of service of Railway Authorities from claiming adequate damages against the petitioners.”

The petitioners having availed the remedy of Appeal before respondent No.3, it lies ill in their mouth to turn round and file the present Writ Petition to prohibit respondent No.3 from proceeding with the Appeal filed by respondent No.1. When the petitioners have already filed an appeal against the order on merits passed by respondent No.2, they cannot be permitted to question the jurisdiction of respondent No.3 to entertain the Appeal filed by respondent No.1.

Hence, the Writ Petition is dismissed. The petitioners are, however, permitted to pursue the Appeal already filed by them before respondent No.3. In such an event, respondent No.3 shall decide all the factual and legal questions including the one relating to the jurisdiction of respondent No.2 to

entertain and adjudicate the complaint filed by respondent No.1.

As a sequel to dismissal of the Writ Petition, interim order, dated 13-12-2010, is vacated, WVMP.No.4506 of 2010 is disposed of and WPMP.No.39347 of 2010 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 10th August, 2018
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