

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SMT JUSTICE T. RAJANI

W.P. No. 9899 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

"...writ of mandamus declaring the action of the respondents in not considering and allowing the petitioner's claim by applying the declaration of the State Consumer Forum, as bad in law, arbitrary and illegal and consequently direct the respondents to consider the declaration passed in F.A.No. 1005 of 2013, dated 25.03.2014 and allow the petitioner's claim forthwith."

Earlier, the petitioner, who is the party-in-person, approached this Court by way of filing W.P.Nos. 12750 of 2013 and 28445 of 2015 and C.C.(SR).No. 6353 of 2013 seeking the following reliefs:

"W.P.No. 12750 of 2013:-

...one in the nature of writ of mandamus and call for the records on the file of the 1st respondent in F.A.No. 142 of 2012 filed against C.C.No. 425 of 2011 District Consumer Forum-I, Hyderabad and set aside the same as illegal, arbitrary and contrary to the Rules, and further direct the 2nd respondent to release the insurance amount which is due to the petitioner by following the recommendations of the Chairman, Bar Council of A.P. and also by taking into the judgments rendered by the Hon'ble Apex Court and National Forum and further direct the 2nd respondent to renew the insurance policy which is going to be expired by 24.04.2013 by duly receiving the cheque given by the petitioner.

W.P.No. 28445 of 2015:-

....one in the nature of writ of mandamus to declare the action of the respondent herein in not disposing and allowing petitioner's representation dated 01.12.2014 by following the observations of Hon'ble State Consumer Forum in F.A.No. 1005 / 2013, dated 25.03.2014 and also in terms of judgment of National Consumer Forum passed in R.P.No. 3026 of 2010, dated 29.07.2011 reported in IV (2011) CPJ 142 (NC) between United India Insurance Co. Ltd. v. Krishna Prakash Dubey forthwith.

C.C.(SR).No. 6353 of 2013:-

(Contempt Case Under Section 10 to 12 of Contempt of Courts Act to punish the respondents herein for violating the order passed in Review Petition No. 3026 of 2010 dated 29.07.2011)."

This Court, by common order dated 29.06.2016, while disposing of the above-mentioned cases, held as under:

"Accordingly and in the result:

- a) The W.P.No. 12750 of 2013 is allowed to the limited extent of setting aside the order of the District Consumer Forum-1, Hyderabad in C.C.No. 425 of 2011 that was confirmed by the State Commission in F.A.No. 142 of 2012 and by remanding the matter to the District Consumer Forum-I, Hyderabad, to hear the matter afresh with reference to the terms of the policy already exhibited before it and decide the same as to whether the policy contains any further note like in Krishna Prakash Dubey to apply the principle laid down therein, to the case on hand to refer the petitioner to any panel of Doctors to receive report and to decide therefrom, else to observe the difference and dismiss the claim, if there is no such note. There is no order as to costs.
- b) W.P.No. 28445 of 2015 is dismissed with no costs. and
- c) C.C.(SR) is rejected with no costs.

Consequently, miscellaneous petitions, if any, pending in the above Writ Petitions and in C.C.(SR) shall stand dismissed."

Thereafter, the petitioner received notice from the District Consumer Forum-I, Hyderabad to appear before it on 08.11.2017. Accordingly, the petitioner appeared before the Forum. The petitioner submits that thereafter, he requested the learned Forum to consider the order dated 25.03.2014 in F.A.No. 1005/ 2013 against I.A.No. 108/ 2013 in C.C.No. 3 of 2013 District Forum-II, Hyderabad, wherein the petitioner herein was the appellant. However, instead of considering the submission of the party-in-person, the District Consumer Disputes Redressal Forum-I, Nampally, Hyderabad ordered to address a letter to the State Commission for transfer of C.C.No.425 of 2011 to any other Forum in view of notice served by the petitioner - complainant costing aspiration against the President of the Forum, and accordingly, directed the matter to be listed on 17.01.2018. As stated by the petitioner, since then, no further proceedings have taken place in C.C.No. 425 of 2011 and the case is pending for disposal.

Keeping in view the averments made in the writ affidavit and the submissions of the petitioner, who is the party-in-person, we hereby direct the A.P. State Consumer Disputes Redressal Commission to transfer C.C.No. 425 of 2011 filed by the petitioner to any other Forum other than the District Consumer Disputes Redressal Forum-I, Nampally,

Hyderabad to decide the matter. On receipt of the complaint in C.C. No. 425 of 2011 on transfer, the Forum concerned shall dispose of the C.C. within a period of six months from the date of receipt of the complaint from the State Commission by affording both the parties an opportunity to be heard. It is needless to mention that the order dated 25.03.2014 passed by the State Commission in F.A.No. 1005/ 2013 against I.A.No. 108/ 2013 in C.C.No. 3 of 2013 District Forum-II, Hyderabad shall be considered by the Forum concerned if it is relevant in the facts and circumstances of C.C.No. 425 of 2011.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

02.04.2018

SURESH KUMAR KAIT, J

T. RAJANI, J

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