

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.11765 of 2009

Date: 09.08.2018

Between:

G.Rajeswara Reddy

..Petitioner

and

Smt.Radha Raju Bai and 4 others

..Respondents

Counsel for the petitioner: Mr.D.Krishna Murthy

Counsel for respondent No.1: Mr.K.Venumadhav

Counsel for respondent Nos.2 & 3: None appeared

Counsel for respondent Nos.4 & 5: 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 Certiorari to quash Order, dated 21-04-2009, in FAIA.No.746 of 2009 in FA(Sr).No.501 of 2009 on the file of respondent No.4- Andhra Pradesh State Consumer Disputes Redressal Commission at Hyderabad.

We have heard Mr.D.Krishna Murthy, learned Counsel for the petitioner, and Mr.K.Venumadhav, learned Counsel for respondent No.1.

Respondent No.1 filed Consumer Dispute No.428 of 1999 before respondent No.5- District Consumer Forum, Karimnagar, for a direction to the opposite parties therein including the petitioner herein to pay a sum of Rs.78,450/- together with interest, damages and costs. Respondent No.5 has allowed the same, on contest, by directing the opposite parties therein including the petitioner herein to pay the said sum of Rs.78,450/- together with interest @ 9% p.a., from 13.11.1997 till the date of payment of the entire amount along with Rs.1,000/- towards costs of the complaint to respondent No.1 herein with joint and several liability. The

petitioner has not questioned the said Order. However, he filed a revision petition against the notice issued in a petition filed under Section 27 of the Consumer Protection Act, 1956 (for short 'the Act') for execution, which was dismissed by respondent No.4, on 29-09-2008, with the observation that as the order of respondent No.5 was not questioned, the said revision petition was not maintainable. Almost five months thereafter, the petitioner filed an Appeal being FA(SR).No.501 of 2009 before respondent No.4. As there was delay of 1166 days in filing the said Appeal, he has filed FAIA.No.746 of 2009 for condonation of the same. Respondent No.4 has dismissed the said FAIA, and in our view rightly, with the observation that the petitioner has chosen to prefer the revision only against the proceedings under Section 27 of the Act; that he being the Deputy Executive Engineer, it is not as though he had no assistance of an Advocate and that therefore, his failure to file the Appeal for a period of 1166 days was without any justification.

Having carefully considered the reasons for which respondent No.4 has dismissed the FAIA filed for

condonation of delay, we do not find any reason whatsoever to interfere with the same in exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 17-06-2009, is vacated and WPMP.No.15136 of 2009 is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 9th August, 2018
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