

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

WRIT PETITION No.19480 of 2018

Date: 05.07.2018

Between :

Sri Venkateshwara Motors (India) Pvt. Ltd.

... Petitioner

And

The Telangana State Consumer Disputes
Redressal Commission, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Mr. R. Dheeraj Singh

COUNSEL FOR RESPONDENTS : G.P. for Civil Supplies for R1
Sri K. Sudershan for R.2

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for a *Mandamus* to set aside the bailable warrants issued against the petitioner on 19.05.2018 in E.A.No.62 of 2015 in C.C.No.98 of 2012 on the file of the District Consumer Forum, Adilabad (for short 'the District Forum').

We have heard Sri R. Dheeraj Singh, learned counsel for the petitioner, and Sri K. Sudershan, learned counsel for respondent No.2.

Learned counsel for the petitioner submitted that the appeal filed by his client vide F.A.No.98 of 2017 challenging the order dated 21.05.2015 in C.C.No.98 of 2012 passed by the District Forum is pending before respondent No.1 and that, therefore, as per the settled legal position, the District Forum ought not to have continued E.A.No.62 of 2015 and issued bailable warrants, as held in MAYTAS PROPERTIES LTD. v. A.P.S.C.D.R. COMMISSION, HYD.¹, which has been followed by various subsequent judgments, including in BK OAKWOOD ESTATES v. DCDR FORUM, HYDERABAD-II².

Learned counsel for the petitioner has not disputed that when an appeal is pending against the order of the District Forum, as per

¹ 2013(3) ALD 561 (DB)

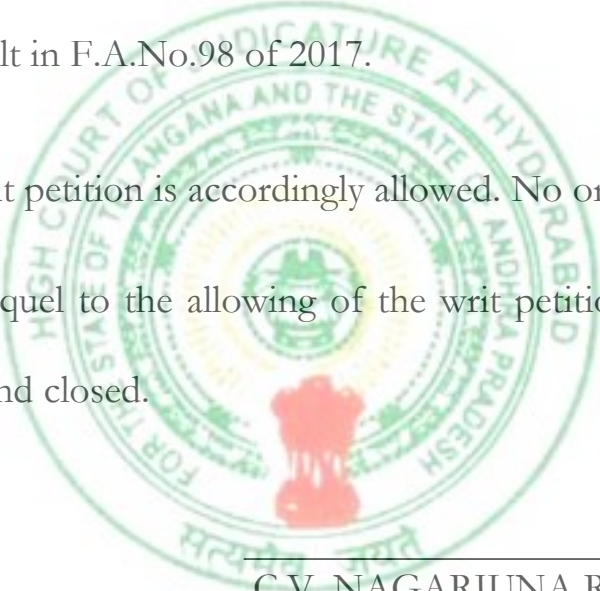
² 2017(4) ALD 739 (DB)

the legal position laid down in the above noted judgments, a party is not entitled to invoke Section 27 of the Act for enforcement of the order of the Primary Forum.

In the light of the above settled legal position, the impugned order dated 19.05.2018 of the District Forum is set aside. The District Forum is restrained from proceeding further with E.A.No.62 of 2015 till disposal of F.A.No.98 of 2017. It is needless to observe that any further steps in E.A.No.62 of 2015 shall depend upon the result in F.A.No.98 of 2017.

The writ petition is accordingly allowed. No order as to costs.

As a sequel to the allowing of the writ petition, I.A.No.1 of 2018 shall stand closed.



C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

05.07.2018.

Msr

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