

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

Writ Petition No.25367 of 2018

Date: 24.08.2018

Between:

The Visakhapatnam Urban Development
Authority, repled by its Vice-Chairman,

... Petitioner

And:

Deenamsetty Sunita,
W/o D.Gopi Krishna and another.

... Respondents

Counsel for the Petitioner: Mr. K.V.Simhadri

Counsel for respondent Nos.1 and 2: Mrs. Deenamsetty Sunita
Party-in-person

The Court made the following:

ORDER: *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by order, dated 18.6.2018, F.A.I.A.No.168 of 2018 in F.A.No.74 of 2018 of the Andhra Pradesh State Consumer Disputes Redressal Commission, Vijayawada, (for short 'the State Commission') to the extent it pertains to direction to deposit the entire amount awarded by order, dated 28.11.2017, in C.C.No.42 of 2017 on the file of the District Consumers Forum-II, Visakhapatnam as a condition for granting stay, the appellant before the State Commission has filed this Writ Petition.

We have heard Mr. K.V.Simhadri, learned counsel for the petitioner and Mrs. Deenamsetty Sunitha, respondent No.1 (party-in-person), who represented herself and also respondent No.2 –her husband.

Upon considering the submissions made by both the parties and the facts and circumstances of the case, we are of the opinion that the impugned order directing deposit of the entire amount awarded by the District Forum pending appeal causes prejudice to the petitioner. Instead, we feel that interests of justice would be met if the impugned condition is modified by reducing the amount to be deposited by the petitioner to 50% and by extending time for such deposit by four weeks from today. Ordered accordingly.

The respondents are permitted to withdraw the amount so deposited on furnishing appropriate security to the satisfaction of the State Commission pending F.A.No.74 of 2018.

Subject to the above modification, the Writ Petition is partly allowed.

As a sequel to disposal of the Writ Petition, IA.No.1 of 2018 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

24th August, 2018
dr

