

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

Writ Petition No.17045 of 2013

Date:31.08.2018

Between:

Dr. Hemalatha Rangachary,
W/o Late R.V.Seshadri

... Petitioner

And:

District Consumer Disputes Redressal
Forum-I, Hyderabad District and
snne others.

...Respondents

Counsel for the Petitioner: Mr. P.V.Rajasekhar

Counsel for respondent Nos.1 & 2: AGP for Civil Services

Counsel for respondent Nos.3 to 5: None appeared

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* for quashing order, dated 20.3.2013, in F.A.I.A.No.629 of 2013 in F.A.Sr.No.1200 of 2013 on the file of the Andhra Pradesh State Consumer Disputes Redressal Commission, Hyderabad (for short 'the State Commission').

We have heard Mr. P.V.Rajasekhar, learned counsel for the petitioner and perused the record.

The petitioner has suffered an order on 16.01.2009 in Consumer Complaint No.772 of 2007 filed by respondent Nos.3 to 5 herein, whereunder she was directed to pay a sum of Rs.1 lakh towards her part of liability to the said respondents for the alleged medical negligence. After E.A.No.52 of 2011 was filed by respondent Nos.3 to 5 seeking implementation of the said order, the petitioner instituted several rounds of litigation mainly on the plea that notice was not served on her before C.C.No.772 of 2007 was disposed of. Eventually, she sought to question order, dated 16.01.2009, in C.C.No.772 of 2007 before the State Commission and along with the said appeal, she has filed FAIA.No.629 of 2013 for condonation of delay of 1,466 days in filing the appeal. This application was dismissed by respondent No.2. Feeling aggrieved by the said order, the petitioner filed this Writ Petition.

Mr. P.V.Rajasekhar, learned counsel for the petitioner, submitted that as the orders of the District Forum as well as the State Commission suffer from patent illegalities, the present Writ Petition is filed.

A perusal of the order of respondent No.2-the State Commission shows that a specific finding was rendered by it, based on the observations made by the District Forum, that notice in the Consumer Complaint was served on the petitioner and that, she along with other opposite parties also engaged an advocate to file a vakalat for them. Learned counsel for the petitioner seriously disputed this finding.

In our opinion, the petitioner has availed a wrong remedy by filing the present Writ Petition. Under Section-21 (b) of the Consumer Protection Act, 1986, she is entitled to approach the National Commission by filing a Revision Petition.

In *Andhra Pradesh Cooperative Housing Societies Federation Ltd., Hyderabad Vs. A.P. State Consumer Disputes Redressal Commission, Hyderabad*¹, a Division Bench of this Court held that the remedy of Revision under Section-21 of the Act is an effective alternative remedy and that therefore, a Writ Petition filed bypassing the said remedy need not be entertained.

In the light of the availability of the alternative remedy of revision, which is treated as an effective alternative remedy in the

¹ 2015(5) ALD 695 (DB)

judgment referred to above, we are not inclined to entertain this Writ Petition.

The Writ Petition is, accordingly, dismissed, with liberty to the petitioner to avail the alternative remedy in terms of the observation made hereinbefore.

As a sequel to dismissal of the Writ Petition, interim order, dated 04.3.2014, in WPMP.No.20668 of 2013 is vacated and WPMP.Nos.20667 and 20668 of 2013 filed by the petitioner for interim relief shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

31st August, 2018
dr

