

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 506 of 2017**

Lalit Gopal S/o Shri B. P. Gopal, Aged About 41 Years R/o Parihar Gali, Near Mahila Thana, Masanganj, Bilaspur, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. Shrawan Kumar Sahu S/o Shri Rammau Sahu, Aged About 31 Years R/o Bahtarai, Tahsil And District Bilaspur, Chhattisgarh.
2. Shiv Prasad Viram, S/o Shri Mohan Viram, Aged About 32 Years R/o Ganga Shopping Mall, Khamtaraai, Raipur, District Raipur, Chhattisgarh.
3. Smt. Preeti Saraf, W/o Shri Rupesh Saraf, Aged About 37 Years R/o Civil Line, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Shri Animesh Verma, Advocate.
For Respondent No.1	: Shri Suryakant Mishra, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****15/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. The order dated 05.04.2016 passed by the District Consumer Disputes Redressal Forum, Bilaspur was assailed before the learned Single Judge. The learned Single Judge dismissed the writ application on the ground that order is appealable under Section 15 of the Consumer Protection Act, 1986, therefore, there is adequate remedy within the law.
3. A very passionate and a detailed argument has been made on behalf of the counsel for the Appellant as to how an innocent person is sought to be victimized because he was only an employee of the Company and had nothing to do with the

actual working of the Company. The money was deposited with the Company and if the Company had failed to deliver the shop, for which payment was made by the complainant, the order cannot be executed against him.

4. From record, it is evident that he was very much a party to the complaint initially lodged with the District Forum. He never appeared before the District Forum. Order was passed, which was not assailed. Only at the stage of execution, all the submissions have been made.

5. Since it is not only a pure question of law but is also bundled with the facts, therefore, the Consumer Protection Act being a complete code by itself and has remedy ingrained therein, then that is what should be availed of. The learned Single Judge to that extent has rightly refused the exercise his discretion under Article 227 of the Constitution of India.

6. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE