

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.08.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.799 of 2013

Pratap Ku Patanaik
Plot No.216/1561,
AT: Bhagabanpur,
PO: Patrapada,
Bhubaneswar - 751 019.

Petitioner

versus

1.M/s.Indus Ind Bank Ltd.,
Rep. by its Power of Attorney Holder
S.T.Krishnakumar,
Having its Consumer Finance Division at
No.115 & 116, G.N.Chetty Road,
T.Nagar, Chennai - 600 017.

2.Basistha Kr Sahoo,
Plot No.215, AT Bhagabanpur,
Bhubaneswar - 751 019.

3.S.Rajeni Ramadass,
Advocate,
New No.68, Basha Street,
Choolaimedu, Chennai - 600 094.

Respondents

PRAYER: Original Petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the award passed by the Sole Arbitrator S.Rajeni Ramadass dated 02.07.2013 passed in SRR/ACP No.593 of 2012.

For Petitioner
For Respondent No.1

: Mr.N.K.Vannan
: M/s.Meera Gnanasekar

ORDER

This Original Petition has been filed challenging the award passed by the learned Sole Arbitrator directing the petitioner to pay a sum of Rs.3,47,931/- towards the amount due for the vehicle finance.

2. In the meanwhile, the petitioner has filed a case in C.D.Case No.377 of 2012 before the District Consumer Disputes Redressal Forum not only against the first respondent herein but also against the manufacturer of the vehicle on the ground that the vehicle has a manufacturing defect.

3. The Consumer Case is of the year 2012, whereas the order has been pronounced in the District Consumer Disputes Redressal Forum to the effect that the manufacturers are directed to refund the amount already deposited by the petitioner towards margin money amounting to Rs.2,36,404/-. Besides Rs.50,000/- towards the loss of income for not earning his livelihood by running the vehicle and the first respondent herein was directed not to demand any amount from the petitioner in respect of the loan agreement for the vehicle in question.

4. As against the above order of the District Consumer Disputes

Redressal Forum, it appears that the first respondent has filed an appeal before the State Consumer Forum in F.A.No.486 of 2016. The above order will have a bearing on this Original Petition. Therefore, this Court is of the view that till the Appeal is decided by the State Consumer Forum, this Original Petition cannot be proceeded.

5. In view of the same, this Original Petition is presently closed, with liberty to the petitioner to file a Petition to re-open the Original Petition based on the outcome of the Appeal pending before the State Consumer Forum at Cuttack. However, there is no order as to costs.

20.08.2019

Speaking Order/Non Speaking Order

Index : Yes / No

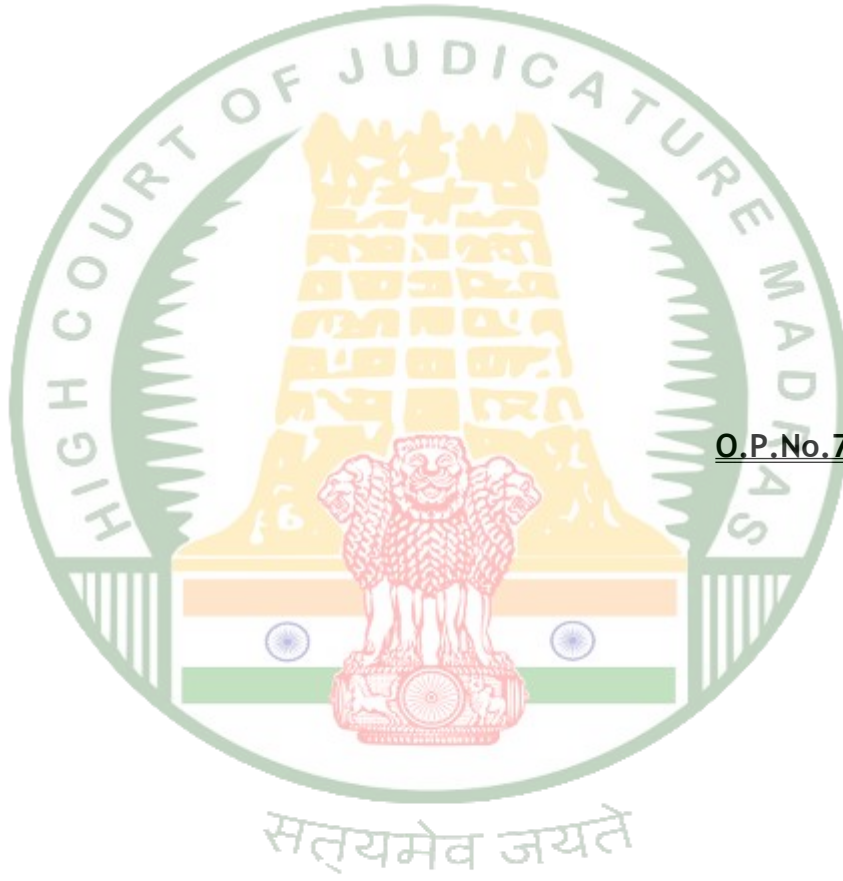
Internet : Yes

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N.SATHISH KUMAR, J.,
sri



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