IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

WP(C).No.27455 OF 2020(F)

PETITIONER/S:

JOSEPH XAVIER
AGED 69 YEARS
S/O.XAVIER, PANAKKAL (HOUSE), P-19 KATTORKARANS DREAMS HOMES, M.G.KAVU, KILLANNUR VILLAGE, KILLANNUR POST, THRISSUR THALUK, THRISSUR DISTRICT, PIN - 680 581

BY ADVS.
SHRI.PRABHU K.N.
SHRI.MANUMON A.

RESPONDENT/S:

1. **TRIOFAB CONSTRUCTIONS PVT LTD**
   A-404, MIDC TTC INDUSTRIAL AREA, MAHAPE, NAVI MUMBAI - 400 710 REPRESENTED BY ITS MANAGING DIRECTOR.

2. **K.P.JOHNY**
   MANAGING DIRECTOR, TRIOFAB CONSTRUCTIONS PVT.LTD., BRANCH OFFICE, M.G.KAVU, THRISSUR - 680 651.

3. **FRANCIS JOHN KATTORKARAN**
   DIRECTOR, TRIOFAB CONSTRUCTIONS PVT.LTD., A-404, MIDC TTC INDUSTRIAL AREA, MAHAPE, NAVI MUMBAI - 400 710.

4. **HAROSH JOHN KATTOKARAN, DIRECTOR**
   TRIOFAB CONSTRUCTIONS PVT.LTD., A-404, MIDC TTC INDUSTRIAL AREA, MAHAPE, NAVI MUMBAI - 400 710.

5. **THE KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION NCC ROAD**
   VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 014.

SMT.PRINCY XAVIER ,GP,SRI.V.KRISHNA MENON,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 9th day of December 2020

This Writ Petition is filed on 07.12.2020 challenging Ext.P9 Order passed by the Kerala State Consumer Dispute Redressal Commission as early as on 23.05.2017.

2. The learned counsel for the petitioner submits that, the opposite party had approached this Court in W.P.(C)No.23277 of 2020, against the Order Ext.P10 which was passed by the Consumer Dispute Redressal Forum, Thrissur, consequent to Ext.P9 Order. Filing of a Writ Petition against the consequential order by the opposite party cannot be the reason for filing a Writ Petition challenging an Order passed as early as on 23.05.2017.

3. Moreover, the petitioner had an effective remedy before the National Consumer

Dispute Redressal Commission, under Section 19 of the Act. For that very reason itself, I find it unnecessary to go into the merits of the case.

This Writ Petition is accordingly dismissed.

Sd/-
P.V.ASHA
JUDGE

NB

APPENDIX

PETITIONERS'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE AGREEMENT DATED 10/12/2011 EXECUTED BY AND BETWEEN THE PETITIONER AND RESPONDENTS 1 & 2.**
EXHIBIT P2	**TRUE COPY OF THE CONSUMER COMPLAINT C.C.NO.408/2013 PREFERRED BY THE PETITIONER HEREIN BEFORE THE DISTRICT CONSUMER FORUM/COMMISSION THRISSUR AGAINST RESPONDENTS 1 TO 4.**
EXHIBIT P3	**TRUE COPY OF THE REPORT SUBMITTED BY THE COMMISSIONER DATED 28/01/2014.**
EXHIBIT P4	**TRUE COPY OF THE OBJECTION FILED BY RESPONDENTS 1 TO 4 ON EXIT P3 DATED NIL**
EXHIBIT P5	**TRUE COPY OF THE VERSION FILED BY RESPONDENTS 1 TO 4 IN EXIT P2 DATED 16/06/2014.**
EXHIBIT P6	**TRUE COPY OF THE ORDER DATED 19/07/2014 IN I.A.NO.317/2014 IN C.C.NO.408/2013 PREFERRED BY THE PETITIONER HEREIN BEFORE THE DISTRICT CONSUMER FORUM/COMMISSION THRISSUR.**
EXHIBIT P7	**TRUE COPY OF THE ADDITIONAL VERSION DATED 12/08/2016 FILED BY RESPONDENTS 1 TO 4.**
EXHIBIT P8	**TRUE COPY OF THE DEPOSITION OF THE COMMISSIONER DATED 23/12/2016.**
EXHIBIT P9	**TRUE COPY OF THE ORDER DATED 23/05/2017 IN R.P.NO.28/2017 BY 5TH RESPONDENT.**
EXHIBIT P10	**TRUE COPY OF THE ORDER DATED 13/12/2019 PASSED BY THE DISTRICT CONSUMER FORUM/COMMISSION THRISSUR IN COMPLIANCE OF EXIT P9.**

RESPONDENTS EXHIBITS: NIL