

(2014) 06 KAR CK 0146

In the Karnataka High Court

Case No : Writ Petition No. 104205/2014 (GM-CON)

Basavaraj

APPELLANT

Vs

Veeranagouda

RESPONDENT

Date of Decision : 02-06-2014

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Consumer Protection Act, 1986 — Section 17, 19

Citation : (2014) 06 KAR CK 0146

Hon'ble Judges : P.D. Waingankar, J;K. Bhakthavatsala, J

Bench : Division Bench

Advocate : R.S. Kadibagil, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Dr. K. Bhakthavatsala, J.—Petitioner who is opponent No. 2 in Complaint No. 10/2010 on the file of District Consumer Disputes Redressal Forum at Bagalkot and Appeal No. 1188/2011 on the file of the Karnataka State Consumer Disputes Redressal Forum at Bangalore is before this Court under Article 226 and 227 of Constitution of India praying for quashing of Annexure-C, the order dated 10.12.2010 passed by the District Consumer Disputes Redressal Forum, Bagalkot in C.P. No. 10/2010 and Annexure-E, the order dated 20.06.2013 made in Appeal No. 1188/2011 on the file of the Karnataka State Consumer Disputes Redressal Forum at Bangalore.

2. Learned counsel for the petitioner submits that the petitioner in this writ petition is not liable to pay any amount and apart from that there is a violation of principle of natural justice and therefore the petitioner is entitled to seek efficacious remedy before this Court.

3. According to Section 19 of Consumer Protection Act, 1986, any person aggrieved by an order made by the State Commission in exercising its powers conferred by sub-clause (i) of clause (a) of Section 17 may prefer an appeal

against such order to the National Commission within a period of 30 days from the date of order in such form and manner as may be prescribed. It is also pertinent to note that if any party is aggrieved by the order passed by the State Commission, he has remedy to approach the National Commission and not to invoke the jurisdiction of the High Court under Article 227 of Constitution of India. In this regard, we rely upon the decision reported in P. Subramanian Vs. Oriental Insurance Co. Ltd., .

4. In view of the above, the writ petition is dismissed as not maintainable.