
(2011) 05 AHC CK 0037
In the Allahabad High Court
Case No : Writ C. No. 23311 of 1996

U.B.I.	Vs	APPELLANT
Consumer Protection Distt. Forum and Others		RESPONDENT

Date of Decision : 03-05-2011

Acts Referred:

Citation : (2011) 05 AHC CK 0037

Hon'ble Judges : Sudhir Agarwal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sudhir Agarwal, J.—Heard Shri Nripendra Mishra, learned Counsel for the Petitioner.

2. It is contended that the District Consumer Disputes Redressal Forum has no power to grant stay as held by the Apex Court in Morgan Stanley Mutual Fund Vs. Kartick Das, .

3. Having considered the submissions and perusing the record, I find substance in the contention of the learned Counsel for the Petitioner. The Apex Court in para 40 of the judgment in Morgan Stanley Mutual Fund v. Kartick Das (supra) has held as under:

40. We have come to the conclusion that the District Consumer Forum will have no power to grant injunction....

4. In view thereof the District Consumer Disputes Redressal Forum could not have passed the interim order. Moreover, it had no authority to restrain the authorities from executing their statutory power for recovery of dues as arrears of land revenue. On this aspect also I find that the order impugned in the writ petition cannot sustain. Consequently, I am clearly of the view that the impugned order, to the extent it grant interim order in favour of the complainants - Respondents No. 2 and 3, cannot sustain, being wholly without jurisdiction.

5. The writ petition is partly allowed. Impugned order dated 23.11.1995, in so far as it restrains the Petitioner from proceeding ahead with the recovery against the complainants-Respondents No. 2 and 3 and directing them to maintain status quo, is hereby quashed. Petitioner's counsel undertakes to appear before the District Consumer Disputes Redressal Forum and file its written statement within fifteen days from today. Thereafter, District Consumer Disputes Redressal Forum shall proceed in accordance with law to decide the matter expeditiously, since the matter is pending for the last fifteen years.

6. The writ petition is partly allowed in the manner directed above. No order as to costs.