

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 27TH DAY OF APRIL 2018 / 7TH VAISAKHA, 1940

WP(C) .No. 14304 of 2018

PETITIONER(S) :-

THE BRANCH MANAGER, M/S PROFESSIONAL COURIERS
REPRESENTED BY ITS BRANCH MANAGER, RAJAN,
AGED 63 YEARS, S/O NARAYANAN NAIR, SOORYA KANNU ELLAM,
COIMBATORE ROAD, CHANDRANAGAL, PALAKKAD DISTRICT.

BY ADVS.SRI.A.R.GANGADAS
SRI.M.L.SURESH KUMAR

RESPONDENT(S) :-

1. THE CHAIRMAN, KERALA STATE CONSUMER DISPUTES REDRESSAL
COMMISSION
VAZHUTHAKKAD, THIRUVANANTHAPURAM-695014
2. THE PRESIDENT
CONSUMER DISPUTES REDRESSAL FORUM,
PALAKKAD-678001
3. VIMAL KARUNAKARAN, S/O.KARUNAKARAN,
KANIYAMPARAMBIL, NAMBULLIPURA P.O., PALAKKAD
REP.BY POWER OF ATTORNEY HOLDER, K.S.KARUNAKARAN,
KANIYAMPARAMBIL, NAMBULLIPURA P.O., PALAKKAD
DISTRICT-678592

R1- R2 BY SRI. RAVI KRISHNAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-04-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:-

EXHIBIT P1 THE TRUE COPY OF THE ORDER DATED 21-3-2016 IN
C.C.90/2015 OF CDRF, PALAKKAD.

EXHIBIT P2 THE TRUE COPY OF THE APPEAL NO.161/2018 OF STATE
CONSUMER COMMISSION.

EXHIBIT P3 A TRUE COPY OF THE INTERIM APPLICATION FOR STAY
I.A.NO.309/2018 IN APPEAL NO.161/2018 OF STATE
CONSUMER COMMISSION.

EXHIBIT P4 A TRUE COPY OF THE INTERIM APPLICATION FOR STAY
I.A.NO.308/2018 IN APPEAL NO.161/2018 OF STATE
CONSUMER COMMISSION.

EXHIBIT P5 THE TRUE COPY OF THE E.P.NO.48/2018 OF CDRF,
PALAKKAD.

RESPONDENT(S) ' EXHIBITS:- NIL

//TRUE COPY//

PA TO JUDGE

SMA
30.04.2018

DEVAN RAMACHANDRAN, J.

=====

W.P.(C)No.14304 of 2018

=====

Dated this the 27th day of April, 2018

JUDGMENT

The petitioner impugnes the execution proceedings initiated by the 2nd respondent Consumer Disputes Redressal Forum, Palakkad to enforce Ext.P1 order issued by it. According to him, he has already filed an appeal before the Kerala State Consumer Disputes Redressal Commission and that it is posted to 11.5.2018.

2. The petitioner's grievance appears to be that pending the appeal before the Commission, the CDRF, Palakkad is likely to issue warrant against him tomorrow, when the matter is next posted before it. I am afraid that these submissions cannot persuade this Court to exercise jurisdiction against the execution proceedings because, I am of the view that the petitioner will have to invoke appropriate remedy before the State Commission.

3. In any event of the matter, the petitioner's apprehension is only conjectural since no warrant,

admittedly has been issued by the CDRF.

In such view of the matter, this writ petition is dismissed, however reserving liberty to the petitioner to approach the Commission appropriately, if a warrant of arrest is issued against him by the CDRF as apprehended by him.

Sd/-

**DEVAN RAMACHANDRAN,
JUDGE**

sab