
(2022) 08 KL CK 0203

High Court Of Kerala

Case No: Writ Petition (C) No. 5309 Of 2016

M/s Anugraha
Enterprises
Represented By Its
Managing Partner

APPELLANT

Vs

M/s Poddar Plantations
A Division Of Rippon
Estate Ltd

RESPONDENT

Date of Decision: Aug. 26, 2022

Hon'ble Judges: Mohammed Nias C.P., J

Bench: Single Bench

Advocate: P.G.Suresh, V.Harish, Rajan Vishnuraj, G.Sudheer Thuravoor, P.B.Krishnan,
P.M.Neelakandan , S.Nithin Anchal, Sabu George, P.B.Subramanyan

Final Decision: Disposed Of

Judgement

Mohammed Nias. C.P.,J

1. The respondent herein instituted CC No.159 of 2014 before the Consumer Disputes Rederessal Forum, Wayanad, Kalpetta, in which the petitioner

was the opposite party, wherein by order dated 29.1.2014 , the Forum partly allowed the complaint directing the writ petitioner to pay an amount of

Rs.8,75,000/- to the respondent/complainant with 12% interest from the date of filing the complaint till realization and directed to pay Rs.2,00,000/- as

compensation and Rs.10,000/- as cost to the proceedings. Aggrieved by the order, the writ petitioner filed an appeal before the State Consumer

Disputes Redressal Forum as Appeal No.557 of 2015, wherein, the appeal was allowed directing the petitioner to deposit the entire amount covered by

the order of the District Forum. The said direction was not complied with and it resulting in the dismissal of the appeal. It is these orders of the State

Commission that are challenged in the writ petition.

3. The respondent herein namely, the complainant filed a counter affidavit pointing the existence of the alternate remedy available to the petitioner and

stated that the writ petitioner had received an amount of Rs.8,75,000/- as advance and total amount of Rs.20,00,000/- was paid under various heads.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Having considered the rival contentions, I am of the view that the writ petitioner can be given a chance to contest the case on merits before the

District Forum. Accordingly, the conditions imposed in Ext.P4 order will stand modified. The writ petitioner will pay an amount of Rs.15,000/- as cost

to the respondent within a period of one month from today. The other conditions in the order will stand vacated and the District Forum will consider

the complaint on merits and in accordance with law within a period of three months from the date of first appearance. The parties are directed to

appear before the District Forum on 23.9.2022. Needless to say that if the cost directed above is not paid, the impugned orders will stand revived.

The writ petition is disposed as above.