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Court : Andhra Pradesh

Decided On : Mar-26-2009

Reported in : 2009(3)ALT634

Judge : V. Eswaraiah and ;Vilas V. Afzulpurkar, JJ.

Acts : [Consumer Protection Act, 1986](#) - Sections 11(2) and 12

Appeal No. : Writ Petition No. 5363 of 2009

Appellant : B. Mohanlal Naik (Dr.)

Respondent : District Consumer Forum Constituted Under Consumer Protection Act, 1986 Rep. by Its Presiding Office

Advocate for Def. : G.P. for Civil Supplies for Respondent No. 1

Advocate for Pet/Ap. : M.P. Veera Reddy, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

V. Eswaraiah, J.

1. The writ petition is filed seeking to issue a Writ of Mandamus, declaring the entertainment of CD. 140/2008 by the 1st respondent-District Consumer Forum, Mahaboobnagar, as illegal and without jurisdiction.

2. Sri P. Veera Reddy, learned Counsel, appearing for the petitioner, submits that the petitioner is a Doctor, practising at Kurnool and he has treated the 2nd respondent at Kurnool Hospital, and even if there is any deficiency of service, no part of cause of action arose at Mahabubnagar, as admittedly, the 2nd respondent who is a complainant before the District Consumer Forum was treated at Kurnool and thereafter, he was treated at Hyderabad, therefore, it cannot be said that the District Consumer Forum at Mahaboobnagar has territorial jurisdiction to entertain the complaint under Section 12 of the Consumer Protection Act.

3. A perusal of the complaint goes to show that the complainant issued a legal notice dated 26.04.2008, calling upon the petitioner herein and other Doctor to pay a sum of Rs. 9 lakhs towards loss and damage sustained by him by reason of deficiency of service and the said notice was received by the petitioner herein and another and replies were also sent and the said replies were received at Nagarkurnool of Mahaboobnagar District on 09.05.2008 and 05.06.2008 and thus, cause of action arose within the jurisdiction of the District Consumer Forum of Mahaboobnagar.

4. Under Section 11(2)(c) of the [Consumer Protection Act, 1986](#), the District Consumer Forum will have jurisdiction to entertain the complaint even if part of cause of action arises within its jurisdiction. The fact that the legal notice was emanated within the jurisdiction of the District Consumer Forum, Mahaboobnagar and replies sent by the petitioner and another were also received by the complainant within the territorial jurisdiction of the Mahaboobnagar, and therefore, it cannot be said that the District Consumer Forum at Mahaboobnagar has no territorial jurisdiction to entertain the Consumer Dispute. I do not see any merits in the writ petition.

5. The Writ Petition is, accordingly, dismissed. No order as to costs.

