



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.102575 OF 2026 (GM-CON)

BETWEEN:

1. SHRI. RAJSHEKHAR S/O. KALLAPPA MOPAGAR,
AGED ABOUT 87 YEARS, OCC: CHAIRMAN,
EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
R/O: KURBAR GALLI, TQ: ATHANI,
DIST: BELAGAVI-591304.

2. SHRI. KALLAPPA S/O. MAREPPA KURANE,
AGED ABOUT 89 YEARS, OCC: VICE CHAIRMAN,
EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
R/O: YALIHADALAGI, ATHANI,
DIST: BELAGAVI-591248.

3. SHRI. RAOSAB S/O. SIDAGOUDA PATIL,
AGED ABOUT 79 YEARS,
OCC: DIRECTOR, EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
R/O. AROODH NAGAR, TQ: ATHANI,
DIST: BELAGAVI-591304.

4. SHRI. PANDURANG
S/O. KRISHNAJI SURYAVANSHI,
AGED ABOUT 81 YEARS,
OCC: DIRECTOR, EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
R/O: PARASHETTI GALLI, TQ: ATHANI,
DIST: BELAGAVI-591304.

5. SHRI. LALASAB S/O. KASHIMASAB MUJAWAR,
AGED ABOUT 65 YEARS,
OCC: DIRECTOR, EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,

VIJAYALAKSHMI
M KANKUPPI



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R/O: KOKATANUR, TQ: ATHANI,
DIST: BELAGAVI-591230.

6. SHRI. VIDYASAGAR S/O. ANNAPPA KAMBLE,
AGED ABOUT 65 YEARS,
OCC: DIRECTOR, EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
R/O: KOKATANUR, TQ: ATHANI,
DIST: BELAGAVI-591230.

...PETITIONERS

(BY SRI. VINAY S.KOUJALAGI, ADVOCATE)

AND:

1. SHRI. BALASAB S/O. BABASAB PATIL,
AGE: 55 YEARS, OCC: MILITARY RETIRED,
R/O: JAMBAGI, TQ: ATHANI,
DIST: BELAGAVI - 591232.

2. SHRI. MACHINDRA S/O. DATTU SALUNKE,
AGE: 75 YEARS, OCC: MILITARY RETIRED,
R/O: JAMBAGI, TQ: ATHANI,
DIST: BELAGAVI - 591232.

3. SHRI. DEEPAK S/O. MACHINDRA SALUNKE,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: JAMBAGI, TQ: ATHANI,
DIST: BELAGAVI - 591232.

4. THE EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
TQ: ATHANI, DIST: BELAGAVI 11)
REPRESENTED BY ITS SECRETARY.

5. EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
TQ: ATHANI, DIST: BELAGAVI, REPRESENTED
BY ITS DIRECTOR, SHRI. GANGAPPA
S/O. SIDDAPPA GANGADHAR,
R/O. TELSANG, TQ: ATHANI, DIST: BELAGAVI-591265.

6. EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
TQ: ATHANI, DIST: BELAGAVI



REPRESENTED BY ITS DIRECTOR,
SHRI APPASAB KALLAPPA ATAPATAKAR,
R/O: MOLE, TQ: KAGAWAD, ATHANI - 591304.

7. EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
TQ: ATHANI, DIST: BELAGAVI,
REPRESENTED BY ITS DIRECTOR,
SHRI. GANGAVVA BALAPPA NAVI,
R/O: RADDERHATTI, ATHANI, DIST: BELAGAVI-591240.

8. EX-SERVICEMEN'S MULTI-PURPOSE
CO-OPERATIVE SOCIETY LTD., ATHANI,
TQ: ATHANI, DIST: BELAGAVI,
REPRESENTED BY ITS DIRECTOR
SMT. SUMITRA SATYAPPA MALI,
R/O: BEHIND APARAJ GALLI,
ATHANI - 591 304.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO.1. ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDERS DATED 17/06/2023 PASSED BY THE ADDITIONAL DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION BELAGAVI IN COMPLAINT NOS.570/2022 AND 573/2022 PRODUCED AT ANNEXURE-A AND ALSO THE OPERATION OF THE NOTICES ISSUED IN EXECUTION APPLICATION NOS.129/2024 AND 124/2024 PRODUCED AT ANNEXURE-B TO B3 IN SO FAR AS THESE PETITIONERS ARE CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY. II. ISSUE A WRIT OF MANDAMUS DIRECTING THE ADDITIONAL DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION BELAGAVI TO DROP THE EXECUTION APPLICATION NOS.129/2024 AND 124/2024 PROCEEDINGS IN SO FAR AS THESE PETITIONER ARE CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY. III. ISSUE ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION AS THE HON'BLE COURT DEEMS FIT TO MEET THE ENDS OF JUSTICE.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. This writ petition is filed by the petitioners challenging the order dated 17.06.2023 passed by the Additional District Consumer Disputes Redressal Commission, Belagavi, in Complaint Nos. 570/2022 and 573/2022 (Annexure-A), and also the operation of notices issued in Execution Application Nos. 129/2024 and 124/2024 (Annexures B to B3), insofar as the petitioners are concerned. The petitioners have also sought a writ of mandamus directing the said Commission to drop the execution proceedings in the aforesaid execution applications.

2. Brief facts, leading rise to the filing of this petition are as follows:

Respondent No. 1 filed a complaint in Complaint No. 570/2022 and respondents Nos. 2 and 3 filed a complaint in Complaint No. 573/2022 before the Additional District Consumer Disputes Redressal Commission, Belagavi, alleging deficiency of service and seeking refund of the fixed deposit amount with interest.



The Commission, after considering the matter, partly allowed the complaints by order dated 17.06.2023 and directed the opposite parties therein to refund the deposit amount with agreed interest, and future interest at the rate of 9% per annum from the date of maturity till realization. The Commission has also awarded damages and costs in each case. Further, respondents Nos. 1 to 3 initiated execution proceedings in Execution Application Nos. 129/2024 and 124/2024 before the Commission. Notices were issued in the said execution proceedings. The petitioners, being aggrieved by the orders passed by the Commission in the aforesaid complaints as well as the execution proceedings, have filed the present writ petition.

3. Heard the arguments of the learned counsel for the petitioners.

4. Learned counsel for the petitioners submits that the execution proceedings, and the complaint filed by the respondents are not maintainable. He further submits that the impugned orders passed by the Consumer Commission are arbitrary and erroneous, and the execution applications filed



by the respondents are not maintainable. Accordingly, on these grounds, he prays to allow the writ petition.

5. Perused the records, and considered the submissions of the learned counsel for the petitioners.

6. Admittedly, the respondents filed separate complaints. The District Consumer Commission issued notice to the petitioners. The petitioners appeared through their counsel and filed their written statement. After recording the evidence of both parties, the Commission passed the impugned order at Annexure-A directing the petitioners to pay the deposit amounts with agreed interest, and future interest at the rate of 9% per annum from the date of maturity till realization.

7. The petitioners did not comply with the said orders. Therefore, respondent Nos. 1 to 3 filed execution applications. The Commission issued notice in the execution proceedings. Aggrieved by the orders passed by the Commission in Complaint Nos. 570 of 2022 and 573 of 2022, and the notices



in execution proceedings, the petitioners filed the present writ petition.

8. The petitioners have an equal efficacious statutory remedy under Section 41 of the Consumer Protection Act, 2019, which reads as follows:

"41. Appeal against order of District Commission-

Any person aggrieved by an order made by the District Commission may prefer an appeal against such order to the State Commission on the grounds of facts or law within a period of forty-five days from the date of the order, in such form and manner, as may be prescribed:

Provided that the State Commission may entertain an appeal after the expiry of the said period of forty-five days, if it is satisfied that there was sufficient cause for not filing it within that period:

Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Commission, shall be entertained by the State Commission unless the appellant has deposited fifty per cent. of that amount in the manner as may be prescribed:

Provided also that no appeal shall lie from any order passed under sub-section (1) of section 81 by the



District Commission pursuant to a settlement by mediation under section 80."

9. From the perusal of the aforementioned provision of law, any person aggrieved by an order made by the District Commission may prefer an appeal to the State Commission.

10. Without exhausting the said statutory remedy, the petitioners filed this writ petition. A similar issue arose before the Division Bench in Writ Appeal No. 1053 of 2022. In that case, the petitioner in writ petition challenged an order of the District Consumer Disputes Redressal Commission in W.P. No. 17806 of 2022. By order dated 28.09.2022, the learned Single Judge dismissed the writ petition on the ground that an alternative remedy by way of statutory appeal under Section 41 of the Consumer Protection Act, 2019 was available. The petitioner challenged the said order in Writ Appeal No.1053 of 2022. The Division Bench confirmed the order of the learned Single Judge and also held that the Division Bench was unable to find any error in the order passed by the learned Single Judge.



11. In the present case, the petitioners filed this writ petition without exhausting the equal efficacious remedy. Further, there is also a delay of more than two years in filing the writ petition. Therefore, on the grounds of availability of alternative remedy and delay, the writ petition is liable to be dismissed.

12. Accordingly, the writ petition is dismissed. Liberty is reversed to the petitioners to avail alternative remedy if so desire.

13. In view of the dismissal of the writ petition, pending I.As. if any do not survive for consideration. Accordingly, disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

VB
CT: UMD
List No.: 2 Sl No.: 15