

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN**

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

AS.No. 280 of 2001 ()

**AGAINST THE ORDER/JUDGMENT IN OS 24/1998 of ADDL. SUB COURT, KOCHI DATED
31.10.2000**

APPELLANT/PLAINTIFF:

**SYNDICATE BANK, MAIN BRANCH, KOTTUKULAM ROAD,
COCHIN-2, REP. BY ITS PRINCIPAL OFFICER, MANAGER OF
POWER OF ATTORNEY HOLDER MR.VISWANATHAN NAIR,
S/O.S.KRISHNAN, AGED 59, RESIDING AT "SWATHY",
CHERUPARAMBATHU ROAD, KADAVANTHARA, ERNAKULAM-20.**

BY ADV. SRI.R.S.KALKURA

RESPONDENTS/DEFENDANTS:

- 1. R.S. GUPTA, PROPRIETOR,
NIRMAL ENTERPRISES,
6/664, BAZAR ROAD, COCHIN-2.**
- 2. R.K.GUPTA, S/O.R.S.GUPTA, 8/557,
TOWN HALL ROAD, COCHIN-2, NOW R/AT 103,
C/O. KERALA SALES CORPORATION, JALENDAR.**
- 3. M/S.GROVER RUBBER INDUSTRIES, 308/1 SHAHZADABHAG,
OLD ROTHAK ROAD, DELHI-110 035, REP. BY
ITS PARTNER, MULKRAJ GROVER.**
- 4. MR.MULKRAJ GROVER, PARTNER,
M/S.GROVER RUBBER INDUSTRIES, 308/1 SHAHZADABHAG,
OLD ROTHAK ROAD, DELHI-110 035.**
- 5. M/S.VARMA ROADWAYS, H.O. 133/174A TRANSPORT NAGAR,
KANPUR, REP. BY ITS PARTNER JAGADAMBA PRASAD VARMA.**
- 6. JAGADAMBA PRASAD VARMA, PARTNER,
M/S.VARMA ROADWAYS, H.O. 133/174A
TRANSPORT NAGAR, KANPUR.**
- 7. VARMA ROADWAYS, 8/1523,
ALAATHUKUTTY ROAD, COCHIN-2.**
- 8. VARMA ROADWAYS, AZAD MARKET,
RAMBAGH ROAD, DELHI.**

**THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

=====

A.S.No.280 of 2001

=====

Dated this the 26th day of February, 2015

JUDGMENT

P.N.Ravindran, J.

The appellant is the plaintiff in O.S.No.24 of 1998 on the file of the Court of the Additional Subordinate Judge of Kochi. The respondents are the defendants therein. The suit instituted by the appellant for realisation of the sum of Rs.3,81,729/- together with interest and costs was decreed against defendants 1 and 2 and defendants 1 and 2 are held liable to pay a sum of Rs.3,81,729/- with interest at 19.38% per annum from the date of suit till realisation. The plaintiff has filed this appeal aggrieved by the denial of the decree against the other defendants.

2. The learned counsel appearing for the appellant has now filed a memo dated 27.1.2015 to the effect that the appeal may be dismissed as not pressed and one-half of the court fee paid on the memorandum of appeal may be refunded to the appellant.

In the light of the memo dated 27.1.2015, the appeal is dismissed as not pressed. Consequently in view of the decision of the Division Bench of this Court in **Philomina Joseph v. State of**

A.S.No.280 of 2001

2

Kerala & Another [2009 (1) KLT 591] we direct the Registry to refund to the appellant one-half of the court fee paid on the memorandum of appeal.

**P.N.RAVINDRAN
JUDGE**

**ANIL K.NARENDRA
JUDGE**

vpv