

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Con.Case(C).No. 213 of 2015 (S) IN WP(C).30642/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 30642/2014 of HIGH COURT OF
KERALA DATED 26-11-2014

PETITIONER(S)/WRIT PETITIONER:

MATHEW K.M, AGED 45 YEARS
S/O.MATHAI, RESIDING AT KUTTIPOOVATHINGAL
CHEMBUKADAVE P.O., KODENCHERY, NELLIPOYIL VILLAGE
KOZHIKODE-673 580.

BY ADV. SRI.SRINATH GIRISH

RESPONDENT(S)/RESPONDENT NO.1:

JAYARAM K.S.,
MANAGER, STATE BANK OF INDIA, KODENCHERY BRANCH
KOZHIKODE-673 580.

R1 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R1 BY ADV. SMT.S.AMBILY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

COC NO.213/2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE 1: COPY OF JUDGMENT IN W.P.(C) NOT. 30642/2014 DATED 26/11/2014.

ANNEXURE A2:.

COPY OF THE COMMUNICATION FROM THE RESPONDENT TO THE PETITIONER IN RESPECT OF KCC A/C NO.30324389165(EXT.P3 IN W.P.(c) NO.30642 OF 2014)

ANNEXURE A3: COPY OF THE COMMUNICATION FROM THE RESPONDENT TO THE PETITIONER IN RESPECT OF ATL A/C NO.30324367061(EXT.P4 IN W.P.(c) NO.30642 OF 2014)

ANNEXURE A4: COPY OF THE LETTER DATED 31/12/2014 ISSUED BY THE RESPONDENT TO THE PETITIONER.

ANNEXURE A5: COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE RESPONDENT TO THE PETITIONER.

/TRUE COPY/ P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

C.O.C. No. 213 OF 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner in the writ petition has filed this contempt petition. This Court, by Annexure A-1 Judgment, directed the respondent bank to permit the petitioner to close the loan account with reference to the conditions mentioned in Exts.P3 and P4. Thereafter, the petitioner was communicated with Annexure A-4 regarding the amount due under the loan account. The petitioner submits that the direction in Annexure A-4 is contrary to the directions given by this Court in Annexure A-1 judgment.

2. I am of the view that, since the respondent has already communicated the order by reckoning the amount payable in the light of Exts.P3 and P4 in the writ petition, it cannot be said that the contempt case is made out to proceed against the respondent. Any difference in calculation of the amount cannot be a subject matter for this Court under contempt jurisdiction. Contempt is something with the conduct of the respondent in

complying with the judgment.

In the light of the fact that the judgment has been complied with, though it is not upto the satisfaction of the petitioner, I am of the view that the contempt cannot be entertained against the respondent. Accordingly, the contempt case is closed.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

