

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Con.Case(C).No. 357 of 2015 (S) IN WA.2007/2014

AGAINST THE JUDGMENT IN WA 2007/2014 of HIGH COURT OF
KERALA

PETITIONER(S) /APPELLANT:

M.D.KOMALAM AGED 50 YEARS
W/O. D.GOPAKUMAR, HARICHANDANAM,
SANSKRIT COLLEGE ROAD
THRIPUNITHURA - 682 301, ERNAKULAM DISTRICT.

BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA

RESPONDENT(S) /REPSONDENT:

SRI.HARIDAS , AGED 56 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
SPECIAL DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD
DEVASWOM BUILDING, THRISSUR - 680 001.

BY SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME
UP FOR ADMISSION ON 13-03-2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

.....
Cont. Case No. 357 of 2015 – S
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Dated this the 13th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

This Contempt Petition has been filed by the applicant praying for initiation of contempt proceedings against the respondent for disobedience of the order of this Court dated 3-2-2015 in Writ Appeal No. 2007/2014 .

2. Writ Petition No. 2978/2013 filed by the applicant was disposed of by the learned Single Judge on 20th June 2014 directing the Devaswom Board to release the DCRG retaining a sum of Rs. 7,163/- with certain other observations. It is useful to quote the last paragraph of the said judgment:-

“Therefore, this Writ Petition is disposed of directing the respondent Board to release the DCRG retaining a sum of Rs. 7163/- as per Ext.

R2 (a). If in a detailed enquiry, it is ultimately found that the petitioner was not at all responsible for the loss, then, it shall be open to the petitioner to claim the aforesaid amount retained by the respondent Board on the basis of the said finding. The enquiry shall be completed within six months from the date of receipt of a copy of this judgment”.

3. Writ Appeal was filed against the said judgment in which an order was passed on 3-2-2015 with the following observations:

“2. Learned counsel appearing for the Devaswom Board submits that in the counter affidavit in paragraph 7, it clearly mentioned that certain bills are ready and the appellant has to appear and sign the same for making the payment.

3. The learned counsel for the appellant submits that the appellant is still ready to appear for collecting the payment. Hence, we direct that the appellant shall appear before the 2nd respondent within 15 days from today. Respondent No. 2 shall look into the appellant's claim of non-payment and take steps for

payment, to which, the appellant is found entitled”.

4. Learned counsel appearing for the petitioner submits that even after the said order, the respondent has not paid the entire amount and certain unauthorised deductions have been made. A letter dated 18-2-2015 sent by the Board to the petitioner has also been referred to here.

5. Learned counsel appearing for the petitioner submits that an amount of Rs. 55,900/- was deposited in the account of the petitioner. It is also submitted that the entire amount except DCRG has been given to the petitioner.

6. Learned counsel appearing for the Board submitted that the Board was ready to pay the DCRG after deducting the amount as permitted by this Court, but the petitioner did not appear to collect the amount.

7. In view of the above facts, we are of the view that no contempt, as alleged by the petitioner, has been committed. There is no wilful disobedience on the part of the Board, in view of the fact that steps have been taken and certain amounts have also been paid. We have perused the letter dated 18-2-2015, where it is stated that the DCRG amount, after deducting Rs.

7163/- shall be deposited after 20-2-2015.

6. We are of the view that no case has been made out to keep the contempt application pending. It is however, open for the applicant to seek such claim, as permissible under law, with regard to DCRG.

Accordingly, this contempt petition is closed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,
JUDGE

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P.S. to Judge