

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Con.Case(C).No. 234 of 2010 (S)

**AGAINST THE ORDER/JUDGMENT IN WA 2330/2008 of HIGH COURT OF KERALA
DATED 9/12/2009**

PETITIONER(S):

**N.D.JOSEPH,S/O.
AGED 54 , NADUKUDIYIL HOUSE, KARUMPLAMATTOM
KARIMANNUR PO, THODUPUZZHA, IDUKKI.**

**BY ADVS.SRI.SAJEEV KUMAR K.GOPAL
SMT.AMBIKA RADHAKRISHNAN**

RESPONDENT(S):

**ARAKKAL V.A.MUHAMMED BASHEER,
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
PRESIDENT MUVATTUPUZZHA-KOTHAMANGALAM PRIMARY
CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT
BANK LTD.NO. 4389, MUVATTUPUZZHA.**

RBY SRI.K.JAJU BABU.

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

COC NO.234/2010

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1: TRUE CERTIFIED COPY OF THE JUDGMENT OF THIS HON'BLE
COURT IN WA NO.2330/2008 DATED 9.12.2009.**

Rp

//True Copy//

PS to Judge

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

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Cont.Case (C) No.234 of 2010

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Dated this, the 6th day of July, 2015

J U D G M E N T

Shaffique.J

This contempt case has been filed alleging non compliance of the directions issued by this Court as per judgment dated 9/12/2009. In para 5 of the judgment, this Court held as under;

“Now, it is common case that there is a post of Assistant Secretary, available in the appellant Society. It is stated to be more or less equivalent to the post of Administrative Officer. So, the 4th respondent shall be re-instated in the post of Assistant Secretary. If any loan amount is remaining unpaid by the 4th respondent, needless to say, the Society will be free to take appropriate action to recover the same from the said respondent.”

2. It is now brought to the notice of this Court that the appellant had already filed Special Leave Petition before the Supreme Court, which is still pending. That apart, on bifurcation of the respondent Bank, the petitioner had joined in the bifurcated

branch as Secretary. In the said circumstance, we do not think that the contempt case should be kept pending. It is always open for the petitioner to approach this Court after final disposal of the Special Leave Petition, if there is any non compliance of the directions issued by this Court.

Contempt case is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge