

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE V.CHITAMBARESH**

**WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937**

**Con.Case(C).No. 633 of 2015 (S) IN W.P.(C).NO.10944/2015**

**WITH RESPECT TO JUDGMENT IN W.P.(C).NO. 10944/2015 of HIGH COURT  
OF KERALA DATED 01-04-2015**

**PETITIONERS/PETITIONERS :**

- 1. GEORGE KUTTY, AGED 56 YEARS  
S/O. JUSTUS, BETHEL HOUSE, KUTTIKKAD  
ELLUVILA P.O., KARAKONAM, THIRUVANANTHAPURAM.**
- 2. PRESTILLA, AGED 54 YEARS  
W/O. GEORGEKUTTY, BETHEL HOUSE, KUTTIKKAD  
ELLUVILA P.O., KARAKONAM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR  
SRI.R.T.PRADEEP**

**RESPONDENTS/RESPONDENTS 1 & 2:**

- 1. SAHADEVAN K.P.  
AGE & FATHER'S NAME NOT KNOWN, MANAGING DIRECTOR  
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD.  
HEAD OFFICE, FORT, THIRUVANANTHAPURAM-695 001.**
- 2. PRADEEP KUMAR K.  
AGE & FATHER'S NAME NOT KNOWN, MANAGER  
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD.  
VELLARADA BRANCH, THIRUVANANTHAPURAM-695 505.**

**BY ADV. SRI.T.R.HARIKUMAR, SC, THIRUVANANTHAPURAM  
DIST.CO.OP.BANK**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR  
ADMISSION ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**DCS**

**APPENDIX**

**PETITIONER(S)' ANNEXURES:-**  
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**ANNEXURE I: TRUE COPY OF THE JUDGMENT DATED 01.04.2015 IN W.P.(C). NO. 10944/2015 BY THE SINGLE JUDGE OF THIS HON'BLE COURT**

**ANNEXURE II: TRUE COPY OF REQUEST DATED 13.4.2015 BEFORE THE 2ND RESPONDENT**

**ANNEXURE III: TRUE COPY OF COMMUNICATION DATED 9.4.2015 BY SECOND RESPONDENT QUANTIFYING THE LIABILITY AS RS. 6,58,152 WITH ADVERTISEMENT CHARGES OF RS. 20,400/-.**

**ANNEXURE IV: TRUE COPY OF RECEIPT DATED 28.4.2015 AS TO THE REMITTANCE OF RS. 3,07,500/-**

**ANNEXURE V: TRUE COPY OF ENTRY DATED 28.4.2015 IN THE SAVINGS PASSBOOK OF 1ST PETITIONER AS TO THE REMITTANCE OF RS. 3,07,500/-**

**RESPONDENT(S)' ANNEXURES:-NIL**  
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**/TRUE COPY/**

**P.A. TO JUDGE**

**DCS**

**V. CHITAMBARESH, J**

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**Cont. of Court Case (C). No. 633 OF 2015**  
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Dated this the 17<sup>th</sup> day of June, 2015

**JUDGMENT**

The parties are at variance as regards the actual amount to be remitted even if the benefit of 'Aswas 2015' scheme (as amended) is extended. The petitioners assert that only a sum of Rs. 3,07,500/- need be deposited on or before 30.04.2015 and that the amount was deposited in time on 28.04.2015. The respondents on the other hand maintain that a sum of Rs. 6,78,582/- was required to be remitted by the petitioners on or before 30.04.2015 and that the same was not done.

2. All these are matters to be probed into as and when an arbitration case is filed and not in a proceedings for contempt of this nature. No case for initiating contempt of court proceedings against the respondents have been made out in the instant case.

3. The contempt of court case is closed without prejudice to the right of the petitioners to file an arbitration case.

**V. CHITAMBARESH  
JUDGE**

DCS