

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

CON.CASE(C).NO. 821 OF 2015 (S) IN WP(C).15591/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 15591/2015 OF HIGH COURT OF KERALA
DATED 02-06-2015

PETITIONER(S)/PETITIONERS:

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1. JOYMATHI J.N. AGED 44 YEARS
W/O.PREMARAJ, ANUGRAHA (H), KUNNATHUKAL
KARAKKONAM P.O., PIN 695504.
 2. BINCY RAJ D.R., AGED 31 YEARS
W/O.EDWIN SINGH, SAM NIVAS, UNDANCODE
ELLUVILA P.O., TRIVANDRUM, PIN 695504.
 3. SHYLAJA.D AGED 46 YEARS
W/O.PRABEEN, NEAR G.H.S.MATHANPALA, PALUKAL P.O.
TRIVANDRUM DIST.
 4. GRACY M.C., AGED 50 YEARS
W/O.C.BABU, ELANKATHU MAVILA VEEDU, EBENEZER HOUSE
MALAYADI P.O., TRIVANDRUM.
 5. SHEELA JASMINE.A AGED 43 YEARS
W/O.GNANADAS.N., ASISHAM, PERUMBOTTUKONAM
NADOORKOLLA, AMARAVILA P.O., TRIVANDRUM DISTRICT
PIN 695122.
 6. EDISON.T AGED 51 YEARS
S/O.LATE THOMSON.N.
MELKONAM THEKKEKKARA PUTHENVEEDU, PERUNKADAVILA P.O.
TRIVANDRUM-695124.
 7. VIJAYAKUMARI.R AGED 50 YEARS
W/O.MADHAVAN PILLAI, KALIYILVILA, RAMAVARMANCHIRA P.O.
TRIVANDRUM DIST.
 8. SYAMALA T.S. AGED 46 YEARS
W/O.SELVARAJ, S.S.NIVAS, PULLAVILA
VATTAVILA P.O., TRIVANDRUM DIST., PIN 695132.

BY ADVS.SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN

RESPONDENT(S)/3RD RESPONDENT:

JAYAKUMAR B.V., AGED ABOUT 53 YEARS
FATHER'S NAME NOT KNOWN TO THE PETITIONER
MANAGER, CSI WF CENTRAL SCHOOL
KARAKKONAM, KARAKKONAM P.O., TRIVANDRUM-695504.

BY SRI.P.C.SASIDHARAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE 03.07.2015 DELIVERED THE FOLLOWING:

CON.CASE(C).NO. 821 OF 2015 (S)
IN WP(C).15591/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1:TRUE COPY OF THE ORDER DATED 02.06.2015 PASSED BY THIS
HON'BLE COURT

ANNEXURE 2:TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY INSPECTOR OF
POLICE, VELLARADA CIRCLE

ANNEXURE 3:TRUE COPY OF THE REQUEST LETTER

ANNEXURE 4: TRUE COPY OF THE SUSPENSION ORDER DATED 01.06.2015

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
Contempt of Court Case.No.821 of 2015
.....
Dated this the 3rd day of July, 2015

J U D G M E N T

The Contempt of Court Case has been filed alleging breach, by the respondents, of the directions of this Court in the interim order dated 02.06.2015 in W.P.(C).No.15591 of 2015. By an order passed today, I have vacated the order dated 02.06.2015, after finding that the pleadings in the writ petition, when read with the prayer sought for therein, could not justify an order, in the nature of the one dated 02.06.2015, being passed at the interlocutory stage of the proceedings. It was also noticed that, the said order was passed without considering a suspension order dated 01.06.2015, that was issued by the respondents to the writ petitioners in that case. If the fact of passing of the suspension order was made known to this Court at the time of passing the order dated 02.06.2015, then it is clear that this Court would not have passed the order dated 02.06.2015. The issue to be considered then, is whether, the non-compliance by the respondents with the said order dated 02.06.2015 in the interregnum could be viewed as a contumacious conduct occasioning a wilful breach of an order passed by this Court.

On a consideration of the facts and circumstances of the case, and taking note of the submission of the respondents that a suspension order was issued to the petitioners in W.P.(C).No.15591 of 2015 on 01.06.2015, a day prior to the date of the order passed by this Court on 02.06.2015, and the fact that I have since vacated the said order dated 02.06.2015, I am of the view that, there is no wilful or contumacious conduct on the part of the respondents necessitating recourse to contempt of Court proceedings. The Contempt of Court Case is thus closed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns