

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Con.Case(C).No. 1325 of 2015 (S) IN WP(C).3807/2014

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AGAINST THE ORDER/JUDGMENT IN WP(C) 3807/2014 of HIGH COURT OF KERALA
DATED 26-02-2014**

PETITIONER/PETITIONER:

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V.GEORGE ANTONY, AGED 54 YEARS,
S/O.ANTONY VACHAPARAMBIL, MANAGING DIRECTOR,
M/S.UAE EXCHANGE AND FINANCIAL SERVICES LIMITED
ADMINISTRATIVE OFFICE AT 3RD FLOOR
AIRLINES BUILDING, MG ROAD, COCHIN 682 011.**

**BY ADVS.SRI.SHINU J.PILLAI
SMT.S.SUJA
SMT.SHADHIYA ELIZABETH GEORGE**

RESPONDENT/2ND RESPONDENT:

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K.P.ASOKAN
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER
BRANCH MANAGER
UNITED INDIA INSURANCE CO.LTD.
CITY BRANCH OFFICE NO.1, 4TH FLOOR, JOS TRUST BUILDING
CHITTOOR ROAD, ERNAKULAM, KOCHI 682 035.**

BY SRI.P.K.MANOJKUMAR,SC,UNITED INDIA INSURANCE

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE A:** CERTIFIED COPY OF THE JUDGMENT DATED 26.2.2014 IN WP(C) NO.3807/14.
- ANNEXURE B:** COPY OF THE LETTER DATED 11.3.2014.
- ANNEXURE C:** COPY OF THE LETTER DATED 30.6.2014.
- ANNEXURE D:** COPY OF THE REPLY DATED 24.9.2014.
- ANNEXURE E:** COPY OF THE LETTER DATED 10.2.2015.
- ANNEXURE F:** COPY OF THE LETTER DATED 27.3.2015.
- ANNEXURE G:** COPY OF THE LETTER DATED 17.7.2015.

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A. TO JUDGE

vpv

P.N.RAVINDRAN, J.
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C.O.(C)No.1325 of 2015
in
W.P.(C)No.3807 of 2014
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Dated this the 22nd day of September, 2015

JUDGMENT

This Contempt Case is filed alleging that the respondent herein has willfully disobeyed Annexure A judgment delivered by this court on 26.2.2014 in W.P.(C)No.3807 of 2014. It is contended that though this court had by the said judgment directed the respondent to process the petitioner's claim under Ext.P1 policy and take an appropriate decision on the claim petition within an outer limit of six months from 26.2.2014, a decision has not so far been taken.

2. When the Contempt Case came up for admission hearing today, Sri.P.K.Manojkumar, learned standing counsel appearing for United India Insurance Company submitted that the second respondent had repudiated the petitioner's claim and communicated the decision to the petitioner as per letter dated 26.8.2014. The learned counsel submitted that by that letter the petitioner was also informed that he can appeal to the officer in charge of the region, that an appeal has also been filed but none of these aspects are referred to in the instant Contempt Case.

3. It is evident from a reading of the instant Contempt Case that the case set out is that nothing has transpired after Annexure A judgment was delivered. The letter dated 26.8.2014 sent by the respondent to the petitioner discloses that the petitioner's claim was repudiated way back on 26.8.2014. It cannot therefore be said that the claim is kept pending by the respondent. If the appeal filed by the petitioner before the Regional Officer or higher authorities is kept pending, that is not in my opinion a reason to proceed against the respondent. The respondent has done his part and repudiated the claim.

I therefore find no good grounds to entertain this Contempt Case. It is accordingly dismissed reserving liberty with the petitioner to pursue the appeal if any filed by him challenging the repudiation of its claim by the respondent. A copy of the letter dated 26.8.2014 stated to have been sent by the second respondent to the petitioner informing him of the repudiation of the claim is incorporated in the records. A copy thereof shall be appended to this judgment.

Sd/-

P.N.RAVINDRAN
JUDGE

/true copy/

P.A. To Judge

vpv