

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Con.Case(C) .No. 1490 of 2015 (S) IN WP(C) .26715/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 26715/2014 of HIGH COURT
OF KERALA DATED 02.12.2014

PETITIONER(S)/PETITIONER IN WPC:

ANNAMMA, AGED 63 YEARS,
D/O.C.J.JOSEPH, CHERIYA PURAYIDOM, C.C.NO.11/479-A
2ND FLOOR, BEACH ROAD, FORT KOCHI
REPRESENTED BY POWER OF ATTORNEY HOLDER JOSEPH JOSEPH,
AGED 75 YEARS, S/O.C.J.JOSEPH, CHERIYAPURAYIDOM
RESIDING AT MANNARACHERI, CHERIYAPURAYIDOM
KULATHURPRAYER P.O., VAIPUR MURI, ANICKAL VILLAGE
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.T.M.ABDUL LATIFF

RESPONDENT(S)/2ND RESPONDENT IN WPC:

K.P. SIMPSON, AGED 61 YEARS,
S/O.PETER C.C.11/472, ANUGRAH, VELI,
FORT KOCHI - 682 001.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

COC1490/15

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A-1 : COPY OF THE JUDGMENT DATED 25.03.2014 PASSED BY THE SUB COURT, KOCHI IN O.S.NO.97 OF 2005.

ANNEXURE A-2 : COPY OF JUDGMENT DATED 02.12.2014 PASSED BY THIS HONOURABLE COURT IN WP(C) NO.26715/2014.

ANNEXURE A-3 : COPY OF LAWYER NOTICE DATED 24.01.2015.

ANNEXURE A-4 : COPY OF REPLY NOTICE DATED 03.03.2015.

ANNEXURE A-5 : COPY OF LAWYER NOTICE DATED 20.04.2015.

ANNEXURE A-6 : COPY OF LETTER DATED 27.03.2015 ISSUED BY THE PETITIONER TO HER COUNSEL.

//TRUE COPY//

PA TO JUDGE.

jg-21/10

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
COC No.1490 of 2015
.....

Dated this the 12th day of October, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.This application is filed invoking the provisions of the Contempt of Courts Act, 1971.

2.We have heard the learned counsel for the petitioner.

The petitioner obtained a decree of prohibitory injunction from a civil court. An application for police protection was thereafter filed before the Police officers and a writ petition was filed before this Court. It was then noticed that, primarily, it is a civil dispute. All that was done was to close the writ petition recording the submission on behalf of the party respondent that no interference would be made. The present complaint is that in violation of the decree of the civil court and also the so-called undertaking before this Court, the respondent is not permitting the petitioner to

enjoy the fruits of the decree. We are of the view that it is not a matter to be entertained as a situation that gives rise to invoke the powers under the Contempt of Courts Act. The petitioner may have other remedies elsewhere, in accordance with law. Without prejudice to that, this petition is closed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)