

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Con.Case(C).No. 1701 of 2015 (S) IN WP(C).14957/2013

ARISING OUT OF THE JUDGMENT IN WA 564/2015 DATED 20-05-2015

PETITIONER(S)/3RD RESPONDENT/3RD RESPONDNET :-

A.SOWBHAGYAVATHY, AGED 62 YEARS
W/O SUDEVAN, SOWPARNIKA, NAMBULLIPURA
MUNDUR POST, PALAKKAD-678 592

BY ADVS.SRI.B.ASHOK SHENOY
SRI.K.V.GEORGE
SRI.P.N.RAJAGOPALAN NAIR
SRI.P.S.GIREESH
SRI.RIYAL DEVASSY

RESPONDENT(S)/APPELLANT/PETITIONER :-

K.SATHISH, AGED 45 YEARS,
S/O KRISHNANKUTTY, SECRETARY
PERUR SERVICE CO-OPERATIVE BANK LTD., PERUR POST
PATHIRIPPALA, OTTAPPALAM TALUK
PALAKKAD DISTRICT-679 302.

BY SRI.T.C.SURESH MENON

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 17-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

Cont. Case (C) No.1701 of 2015

Dated this the 17th day of November 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 20.5.2015 in W.A.No.564 of 2015 in W.P.(C) No.14957 of 2013. By virtue of the aforesaid judgment, the writ appeal filed by the respondent Society had been rejected by the learned Single Judge, however, granted thirty days' time to pay the amount. The Appellate Court only set aside that portion of the judgment which directed payment of 10% interest in case of default. In fact, no relief was granted to the writ petitioner.

2. The petitioner herein is the 3rd respondent in the writ petition, who submits that the respondent herein had committed contempt by not paying the amount. Annexure A5 is a letter issued by the Secretary of the Society on 20.6.2015 effecting a payment of ₹28,166/- after deducting ₹25,149/-. The said deduction had been made based on the directions issued by the Arbitrator.

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3. Learned counsel for the petitioner submits that the matter is pending consideration before this Court in another proceedings.

Under such circumstances, we do not think that the action of the respondent amounts to any willful contempt. Accordingly, the Contempt Case is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt/17.11.2015.