

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Con.Case(C).No. 559 of 2014 (S)

(AGAINST THE JUDGMENT IN WP(C).NO. 13176/2012 DATED 01-01-2014)

PETITIONER/PETITIONER:-

**SRI.K.P.VIJAYAKUMAR,AGED 60 YEARS,
S/O.LATE M.S.MENON, RESIDING AT PARVATHI NIVAS,
DIVANS ROAD, ERNAKULAM, KOCHI - 682 016.**

BY ADV. SRI.S.R.DAYANANDA PRABHU

RESPONDENT/RESPONDENT:-

**SRI.E.ABDUL LATHEEF, AGED ABOUT 58 YEARS,
S/O.LATE IBRAHIMKUTTY, MANAGING DIRECTOR,
M/S.KERALA AUTOMOBILE LTD., ARALUMOODU P.O.,
THIRUVANANTHAPURAM - 695 123.**

**BY ADVS. SRI.S.P.PARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.K.K.RAZIA**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

COC.NO.559/2014

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1** **CERTIFIED COPY OF THE JUDGMENT DATED 1/1/2014 IN WP(C).
NO.13176/2012 OF THE HON'BLE HIGH COURT OF KERALA.**
- ANNEX A2** **COPY OF THE INTERIM ORDER 12/12/2012 IN WP(C).NO.13176/2012 OF
THE HON'BLE HIGH COURT OF KERALA**
- ANNEX A3** **COPY OF THE NOTICE DATED 08/4/2014 ISSUED BY PETITIONER'S
COUNSEL TO THE CONTEMNOR**
- ANNEX A4** **COPY OF THE POSTAL ACKNOWLEDGEMENT DATED 16/4/2014
SIGNED BY THE CONTEMNOR**

RESPONDENT'S EXHIBITS AND ANNEXURES:

- EXT.R1(A)** **COPY OF THE LAWYER NOTICE DATED 12/03/2014**
- EXT.R1(B)** **COPY OF THE REPLY DATED 26/3/2014**
- EXT.R1(C)** **COPY OF THE WARRANT OF ATTACHMENT DATED 07/08/2014 ISSUED
BY THE RECOVERY OFFICER, EPF ORGANISATION, KERALA.**

/TRUE COPY/

P.A.TO.JUDGE

sts

ASHOK BHUSHAN, Ag.C.J.
&
A.M. SHAFFIQUE, J.
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Dated this the 30th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard the learned counsel appearing for the applicant.

2. This contempt application has been filed alleging disobedience of judgment and order dated 1st January 2014, passed in Writ Petition No.13176 of 2012.

3. Learned counsel appearing for the respondent submitted that the cheque for an amount of ₹ 1,16,000/- has already been sent to the petitioner. Learned counsel for the petitioner submits that the said cheque has been received by the petitioner on 24th January, 2015. The learned counsel for the writ petitioner submits that he has not been paid the interest and certificate of TDS has not been supplied from the Bank. For the above matters,

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it shall be open for the petitioner to represent to the Bank.

Having regard to the factual circumstances, we are of the view that no sufficient ground has been made out to proceed further with the contempt application. Hence, the contempt case is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

das