

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Cont.Case (C).No.732 of 2014 (S)

ARISING FROM THE JUDGMENT IN WP(C) 18898/2013-J DATED 08.02.2014
OF HIGH COURT OF KERALA.

PETITIONER(S)/PETITIONERS:-

1. UDAYAKUMAR. C., AGED 41 YEARS,
PORTER/HELPER, HANEX HEAD OFFICE, OOTTUKUZH,
THIRUVANANTHAPURAM-695 001
(S/O CHELLAPPAN, PUNNAVILA VEDU, ITHIYOOR,
BALARAMAPURAM P.O., THIRUVANANTHAPURAM)
2. AJITH KUMAR B., AGED 54 YEARS
PORTER, HANEX HEAD OFFICE, OOTTUKUZH
THIRUVANANTHAPURAM-695 001,
(S/O BABU, AKHILAM, KADAKKAVILAKAM, ANAYARA P.O.,
THIRUVANANTHAPURAM).

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.THOMAS CHAZHUKKARAN
SRI.M.M.VINOD KUMAR
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER.

RESPONDENT(S)/RESPONDENTS 2 AND 3:-

1. SAM C. ITTICHERIAN,
DIRECTOR OF HANDLOOM AND TEXTILES, VIKAS BHAVAN,
THIRUVANANTHAPURAM
[AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER].
2. S. PRAKASH,
MANAGING DIRECTOR,
KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD.,
NO. H 232, THIRUVANANTHAPURAM - 695 001.

R1 BY GOVERNMENT PLEADER SRI.S.JAMAL.
R2 BY STANDING COUNSEL SRI.T.M.RAMAN KARTHA.

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' ANNEXURES:-

- | | |
|--------------|---|
| ANNEXURE-I | PHOTOCOPY OF THE JUDGMENT IN W.P.(C).NO.18898/2013
DATED 8.1.2014 OF THE HON'BLE HIGH COURT. |
| ANNEXURE-II | PHOTOCOPY OF THE LAWYER NOTICE DATED 8.4.14. |
| ANNEXURE-III | PHOTOCOPY OF THE JUDGMENT IN W.P.(C).
NO.14388/09 DATED 12.8.2009. |
| ANNEXURE-IV | PHOTOCOPY OF THE JUDGMENT IN W.A.NO.85/2010
DATED 26.05.2010. |

RESPONDENT(S)' ANNEXURES:-

- | | |
|----------------|---|
| ANNEXURE R1(a) | TRUE PHOTOSTAT COPY OF THE RELEVANT PROVISIONS
OF MEETING HELD ON 15.5.2014. |
| ANNEXURE R1(b) | TRUE PHOTOSTAT COPY OF THE COMMUNICATION
DATED 7.11.2014 SENT TO THE 3RD RESPONDENT. |
| ANNEXURE R2(a) | A TRUE COPY OF THE RESOLUTION ADOPTED BY THE
MANAGING COMMITTEE OF THE HANTEX ON 21.12.2006. |

Vku/

[true copy]

K. Vinod Chandran, J

Cont. Case (C).No.732 of 2014-S

Dated this the 07th day of July, 2015

JUDGMENT

The contempt petition has been filed alleging non-compliance of the judgment in W.P.(C).No.17787 of 2013 dated 08.01.2014, whereby it was directed that the 2nd respondent [1st respondent in the contempt case] shall consider approval of Exhibit P6 and in the event of the 2nd respondent not being inclined to approve the same, afford an opportunity of hearing to both the petitioners and the 3rd respondent in the writ petition [2nd respondent herein] before adverse orders are passed. It was also directed that the same shall be complied within three months from the date of the judgment.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader for the 1st respondent and the learned Standing Counsel for the 2nd respondent.

3. After the filing of the contempt petition, it is stated that the 1st respondent had directed the Managing Director, the 2nd respondent, to place the resolution before the Annual General Body and obtain approval of the AGM.

4. The learned counsel for the 1st respondent submits that Annexure R1(b) was never received by the 2nd respondent; but in fact a communication dated 15.05.2014 was received with the same directions. However, even before the date of Exhibit R1(b), the General Body was over and there are 560 members, who ought to be summed, if an Extra-Ordinary General Body Meeting is to be convened for this purpose alone. It is submitted that there is a General Body Meeting after three months, in which the 2nd respondent would definitely place the matter and take a decision and transmit the same to the 1st respondent.

The contempt case would stand closed on the aforesaid undertaking.

Sd/-
K.Vinod Chandran
Judge.

Vku/-

[true copy]