

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Con.Case(C).No. 1723 of 2012 (S)

OEDER IN CMP 1645/2009 of ADDL.C.J.M., ERNAKULAM
DATED 23-05-2012

PETITIONER(S)/PETITIONERS :-

SINDHU ANEESH, AGED 48 YEARS
W/O.ANEESH, VENATTIL HOUSE, EROOR
ERNAKULAM.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA
SMT.N.K.SHEEBA

RESPONDENT(S)/RESPONDENT :-

ANEESH, 42, S/O.UDAYAN, AARAYIL HOUSE
ANDAKARANAZHI, CHERTHALA TALUK, ALAPPUZHA - 688 524.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

COC.NO.1723 OF 2012

APPENDIX

PETITIONER'S EXHIBITS :-

ANNEXURE A1 :- CERTIFIED COPY OF THE ORDER IN CMP
No.1645/2009 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
ERNAKULAM DATED 23.5.2012.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

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

Cont. Case (C) No.1723 of 2012

Dated this the 29th day of June 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 the Addl. Chief Judicial Magistrate, Ernakulam in CMP No.1645 of 2009. During the pendency of the contempt case, the matter was referred to mediation and the parties have arrived at a settlement.

2. According to the learned counsel for the petitioner, though the respondent had paid an amount of ₹2,20,000/- as per the mediation settlement, an amount of ₹55,000/- remains unpaid. Though the respondent appeared before this Court at the earlier stage of the proceedings, now, there is no appearance. Though notice was again ordered, the same was returned unserved with endorsement "no such person in the said address" and therefore, service is not complete.

3. In view of the fact that service is not complete, it may not be possible for this Court to proceed with the contempt case as such. Having regard to the fact that in the mediation settlement, it is clearly indicated that non-compliance of the

conditions in the mediation agreement will automatically revive the order passed by the Addl. Chief Judicial Magistrate in CMP No.1645 of 2009, it is always open for the petitioner to approach the learned Magistrate and seek appropriate orders from that Court.

4. Having regard to the fact that appropriate remedy is available to the petitioner by filing necessary application before the Addl.Chief Judicial Magistrate, Ernakulam, we do not think that we should proceed with the contempt case.

Accordingly, we close the contempt case with liberty to the petitioner to approach the Magistrate Court for appropriate orders.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE