

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

FAO.No. 78 of 2015 ()

AGAINST THE ORDER IN I.A.2567/2014 IN OS 28/2014 of PRINCIPAL SUB
COURT,KOLLAM DATED 21-03-2015

APPELLANT/PETITIONER/DEFENDANT:

SURESH BABU
S/O.SREEDHARAN, PROPRIETOR, M/S.DEVAMATHA TRANSPORT
DEVAMATHA HOUSE, NEAR S. N. CENTRAL SCHOOL, MEENAD
NEDUNGOLAM P O, PARAVUR, KOLLAM

BY ADVS.SRI.S.SANTHOSH KUMAR
SMT.P.LISSY JOSE.

RESPONDENT/RESPONDENT/PLAINTIFF:

K.DILEEP KUMAR
S/O.KRISHNAN, KRISHNA BHAVAN, MUNDAKKAL
KOLLAM-691001

BY ADV. SMT.K.G.BINDU
BY ADV. SMT.T.S.MAYA (THIYADIL)

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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F.A.O.No.78 of 2015

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Dated this the 5th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard learned counsel on both sides.

2. This matter arises from a suit for money. Court below was considering an application for attachment before judgment. That ultimately led to an order directing garnishee of the defendant to deposit amounts in Court. That was as per the interim order granted in this appeal on 07.04.2015. The garnishee has deposited the amounts before the court below. Under such circumstances, nothing further survives for consideration in this F.A.O except to issue consequential orders as may be necessary to secure the ends of justice.

This appeal is ordered vacating the impugned order and directing that the amounts in deposit before the court below following the interim order on 07.04.2015 on I.A.No.430 of 2015 in this appeal will be deposited in a fixed deposit bearing the best return by way of interest, with a nationalized bank of the choice of the court below. Necessary lien shall be noted by the bank in

favour of the court below. Let that be done within a period of three weeks from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

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