

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

RSA.No. 386 of 2006

**AGAINST THE JUDGMENT IN AS 97/2004 of ADDITIONAL DISTRICT COURT,
KOZHIKODE.**

**AGAINST THE JUDGMENT IN OS 394/2002 of ADDITIONAL MUNSIF'S COURT,
KOZHIKODE-I.**

APPELLANT/APPELLANT/PLAINTIFF:

**THE ACCOUNTS OFFICER TELECOM REVENUE III,
O/O. GENERAL MANAGER, TELECOM,
BSNL, VIKAS BUILDING, CALICUT-673 002.**

BY ADV. SRI.MATHEWS K.PHILIP,SC, BSNL

RESPONDENTS/RESPONDENTS/DEFENDANT/1ST PLAINTIFF:

- 1. T.P.CHANDRAN,S/O. NOT KNOWN,
13/3444, TARAKA, NEAR MOORATTU BRIDGE
PUTHUPANAM, BADA KARA, BADA KARA TALUK.**
- 2. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF TELECOMMUNICATIONS, NEW DELHI.**

**R1 BY ADVS. SRI.S.RAMESH BABU
SRI.P.RAVINDRA NATH
R2 BY SRI.P.PARAMESWARAN NAIR, ASGI**

**THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AS

A.HARIPRASAD, J.

R.S.A.No.386 of 2006

Dated this the 28th day of May, 2015

J U D G M E N T

Heard the learned counsel for the appellant and the learned counsel for the respondents.

2. Appellant (BSNL) challenges the decree and judgment passed by the lower appellate court in a suit filed against the respondents for recovery of telephone bill arrears, which was concurrently dismissed.

3. Learned counsel for the appellant relying on a decision of this court in RSA.No.130 of 2012 submitted that the appeal can be disposed in view of the observations made by this court in that judgment, reserving the right of BSNL to recover the bill arrears from the respondent by invoking Section 7B of the Telegraphic Act and also by the provisions of the Revenue Recovery Act.

4. Considering the submissions on both sides, I dismiss the appeal finding that the appellant can take recourse to the said provisions, if law permits.

Sd/-
A.HARIPRASAD, JUDGE.