

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

OP(C).No. 472 of 2015 (O)

OS. NO.38/2015 OF MUNSIF COURT, ALUVA.

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PETITIONER(S):

- 1. SHIBU AUGUSTINE, AGED 37 YEARS,
S/O.P.C. AUGUSTINE, MANAGING PARTNER,
"SURABHI WOODS", DOOR NOS.19/557, 19/558 & 19/559,
ANGAMALY, RESIDING AT PADAYATTIL HOUSE,
KALLUPALAM ROAD, ANGAMALY,
ERNAKULAM DISTRICT-683 572.**
- 2. P.C. AUGUSTINE, S/O.CHERIYA, AGED 73 YEARS,
PARTNER, "SURABHI WOODS", DOOR NOS.19/557, 19/558 & 19/559,
ANGAMALY, RESIDING AT PADAYATTIL HOUSE,
KALLUPALAM ROAD, ANGAMALY,
ERNAKULAM DISTRICT-683 572.**
- 3. K.T. ANNIE, W/O.P.C. AUGUSTINE, AGED 64 YEARS,
PARTNER, "SURABHI WOODS", DOOR NOS.19/557, 19/558 & 19/559,
ANGAMALY, RESIDING AT PADAYATTIL HOUSE,
KALLUPALAM ROAD, ANGAMALY,
ERNAKULAM DISTRICT-683 572.**
- 4. REKHA SHIBU, AGED 30 YEARS,
W/O.SHIBU AUGUSTINE, PARTNER,
"SURABHI WOODS", DOOR NOS.19/557, 19/558 & 19/559,
ANGAMALY, RESIDING AT PADAYATTIL HOUSE,
KALLUPALAM ROAD, ANGAMALY,
ERNAKULAM DISTRICT-683 572.**

**BY ADVS.SRI.N.SUBRAMANIAM,
SRI.M.S.NARAYANAN,
SRI.P.T.GIRIJAN,
SMT.USHA NARAYANAN.**

RESPONDENT(S):

- 1. RASHEED V.P, AGED ABOUT 57 YEARS,
S/O.PAREED KHAN, PROPRIETO,
E-ORIENTAL TIMBERS, N.H. BYE PASS,
OPP. CHAITHANYA MARBLES, EDAPPALLY,
ERNAKULAM DISTRICT, KOCHI-682 024.**

OP(C).No. 472 of 2015 (O)

**2. SOUTH INDIAN BANK LTD.,
ANGAMALY BRANCH, PIN-683 572,
ANGAMALY VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT.**

**3. M/S. TAMIL NADU MERCANTILE BANK,
NEAR SUDHEENDRA HOSPITAL, KACHERIPADY,
CHITTOOR ROAD, ERNAKULAM DISTRICT, KOCHI-682 018.**

**R2 BY ADV. SRI.GEORGE VARGHESE, SC.
R3 BY ADV. SRI.V.V.SURENDRAN.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PROFORMA INVOICE DATED 30/06/2014.
- EXT.P2 COPY OF THE PROFORMA INVOICE DATED 30/07/2014.
- EXT.P3 COPY OF THE ILC NO.0219000012014 DATED 03/07/2014.
- EXT.P4 COPY OF THE ILC NO.0219000022014 DATED 26/08/2014.
- EXT.P5 COPY OF THE CERTIFICATE DATED 26/12/2014 ISSUED BY THE 2ND RESPONDENT BANK.
- EXT.P6 COPY OF THE LETTER DATED 30/12/2014 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT BANK.
- EXT.P7 COPY OF THE LETTER DATED 05/01/2015 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT BANK.
- EXT.P8 COPY OF THE PLAINT DATED 11/01/2015 IN O.S. NO.38/2015 OF THE MUNSIF COURT, ALUVA.
- EXT.P9 COPY OF THE AFFIDAVIT AND PETITION DATED 11/01/2015 IN I.A. NO.115/2015 IN O.S. NO.38/2015 OF THE MUNSIF COURT, ALUVA.
- EXT.P10 COPY OF THE LETTER DATED 21/02/2015 ISSUED TO THE 2ND RESPONDENT BANK.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.BHAVADASAN, J.

O.P.(C) No. 472 of 2015

Dated this the 23rd day of February, 2015

J U D G M E N T

This is a petition praying for an interim order restraining the respondents from releasing two ILCs, one bearing No. 0219000012014 dated 03.07.2014 and the second bearing No. 0219000022014 dated 26.08.2014 till the disposal of this petition.

2. Alleging fraud on the part of the first and the third respondents, suit was laid by the petitioner before the Munsiff Court, Aluva. An interlocutory application as I.A.No. 115/2015 was moved for interim injunction restraining the respondents from encashment of the ILC. The court below after hearing the matter, posted for orders on 25.02.2015.

3. The learned counsel for the petitioner points out that ILC is due as on today and if ultimately an injunction is granted on 25.02.2015 that will serve no purpose. So there will be an interim injunction for the time being.

4. The learned counsel appearing for the respondents pointed out that papers have already been submitted before the concerned authority.

5. In the light of the above submission, this original petition is disposed of with the direction that if papers with respect to the encashment of ILC have not already been presented by the authority concerned and if the amount has not already been released, there will be an interim injunction of encashment of ILC till 25.02.2015.

The Registry may communicate the order to the respondents at the expense of the petitioner.

Sd/-
P.BHAVADASAN
JUDGE

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