

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

OP(C).No. 862 of 2015 (O)

(E.A.NO.1559/2013 & EA 1560/2013 IN E.A.NO.397/2014 IN E.P.NO.47/1999 IN
O.S.NO.95/1985 OF 1ST ADDITIONAL SUB COURT, THRISSUR)

PETITIONER/PETITIONER :

JACOB P.A.,
THE PROPRIETOR, VELANKANNI MATHA OIL MILLS,
P.O.MULAKUNNATHUKAVU,
NOW RESIDING AT PULIKKOOTIL HOUSE, P.O.CHETTUPUZHA,
THRISSUR DISTRICT, KERALA STATE, PIN - 680 621.

BY SRI. JACOB P.A. (PARTY IN PERSON)

RESPONDENT(S)/RESPONDENTS :

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1. DEVASSY K.A.,
KOOOTHUR HOUSE, THIROOR DESOM, KOLAZHI VILLAGE,
P.O.MULAKUNNATHUKAVU, THRISSUR DISTRICT,
KERALA STATE, PIN - 680 581.
 2. ANTO VARGHESE,
THEKKEKKARA HOUSE, NADUVIL AGADI, P.O.VELUR,
THRISSUR DISTRICT, KERALA STATE, PIN - 680 601.
 3. CLARA VAREED, WIFE OF (LATE) VAREED T.C.,
THEKKEKKARA HOUSE, NADUVIL AGAD,
P.O.VELUR, THRISSUR DISTRICT,
KERALA STATE, PIN - 680 601.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY SUB REGISTRAR OFFICE THRISSUR (GOVT. OF KEALA, REGISTRATION DEPT.)
- EXT.P2: CERTIFIED COPY OF THE JUDGMENT AND DECREE O.S.95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P3: CERTIFIED COPY OF THE PROCLAMATION E.P.287/96 IN O.S.95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P4: CERTIFIED COPY OF THE ORDER IN I.A.125/1998 IN 906/2000 FROM THE SUB COURT THRISSUR.
- EXT.P5: CERTIFIED COPY OF THE ORDER IN E.A.676/1998 IN E.P.287/96 IN 95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P6: CERTIFIED COPY OF THE DELIVERY PETITION E.P.47/99 IN OS.95/1985 SUBMITTED BY THE AUCTION PURCHASER (1ST RESPONDENT).
- EXT.P7: CERTIFIED COPY OF THE REGISTER SALES CERTIFICATE ISSUED BY SUB COURT THRISSUR.
- EXT.P8: CERTIFIED COPY OF THE ORDER IN CMP.6145 IN CMA.81/1999 ISSUED BY THE HONOURABLE HIGH COURT ERNAKULAM.
- EXT.P9: CERTIFIED COPY OF THE BUILDING TAX RECEIPT ISSUED BY THE OFFICE OF THE GRAMA PANCHAYATH MULANGUNNATHUKAVU
- EXT.P10: TRUE COPY OF THE RECEIPT ISSUED KSEB OFFICE, MULANGUNNATHUKAVU
- EXT.P11: CERTIFIED COPY OF THE ORDER IN CRP.581/2001 PASSED BY THE HONOURABLE HIGH COURT OF KERALA.
- EXT.P12: CERTIFIED ORDER IN CMP.1794/2001 IN CMA.128/2001 AND JUDGMENT PASSED BY THE HONOURABLE HIGH COURT OF ERNAKULAM.
- EXT.P13: CERTIFIED COPY OF THE JUDGMENT IN OP.19181/2001 PASSED BY THE HONOURABLE HIGH COURT.
- EXT.P14: CERTIFIED COPY OF THE SKETCH WAS SUBMITTED BY THE PETITIONER.
- EXT.P15: CERTIFIED COPY OF THE AMIN WARRANT ISSUED BY THE SUB COURT THRISSUR.

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- EXT.P16: TRUE COPY OF THE 3RD COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSION.
- EXT.P17: CERTIFIED COPY OF THE FINAL COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSION.
- EXT.P18: CERTIFIED COPY OF THE ORDER IN E.P47/1999 IN O.S.95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P19: CERTIFIED COPY OF THE COUNTER AFFIDAVIT IN IA.3719/2001 IN OS.906/2000 SUBMITTED BY THE FIRST RESPONDENT (AUCTION PURCHASER)
- EXT.P20: CERTIFIED COPY OF THE ORDER IN IA.3719/2001 IN OS.906/2000 PASSED BY THE SUB COURT THRISSUR.
- EXT.P21: CERTIFIED COPY OF THE REVENUE RECOVERY NOTICE RS.37,19,997/- (RUPEES THIRTY SEVEN LAKHS NINETEEN THOUSAND NINETY SEVEN ONLY) ISSUED BY CANARA BANK, MULANGUNNATHUKKAVU BRANCH.
- EXT.P22: CERTIFIED COPY OF THE JUDGMENT IN OP.38237/2001 ISSUED BY HONOURABLE HIGH COURT OF ERNAKULAM
- EXT.P23: CERTIFIED COPY OF THE JUDGMENT AND DECREE IN AS.313/2002 PASSED BY THE HONOURABLE HIGH COURT OF ERNAKULAM.
- EXT.P24: CERTIFIED COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE SUB REGISTRAR OFFICE THRISSUR GOVT. OF KERALA, REGISTRATION DEPT.
- EXT.P25: CERTIFIED COPY OF THE PHOTO SUBMITTED BY THE PETITIONER.
- EXT.P26: CERTIFIED COPY OF THE ENCUMBRANCE CERTIFICATE ISSUED BY THE SUB REGISTRAR OFFICE THRISSUR.
- EXT.P27: CERTIFIED COPY OF THE ORDER PASSED BY THE SUB COURT THRISSUR.
- EXT.P28: CERTIFIED COPY OF THE ORDER IN IA.4097/2008 IN O.S.906/2000 PASSED BY THE SUB COURT THRISSUR.
- EXT.P29: TRUE COPY OF THE CHEQUE APPLICATION C.A.42/1998 IN E.P287/1996 IN OS.95/1985 SUBMITTED BY CANARA BANK.
- EXT.P30: CERTIFIED COPY OF THE ORDER IN R.P.1071/2009 IN A.S.313/2002 PASSED BY THE HON'BLE COURT.
- EXT.P31: CERTIFIED COPY OF THE ORDER IN IA.3818/2010 IN R.P.1071/2009 IN AS.313/2002 PASSED BY THE HON'BLE BY THE HIGH COURT.
- EXT.P32: CERTIFIED COPY OF THE COUNTER AFFIDAVIT SUBMITTED BY CANARA BANK IN S.L.P.32068 - 32070/2012 BEFORE THE HON'BLE SUPREME COURT.

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- EXT.P33: CERTIFIED COPY OF THE (STATEMENT) CALCULATION OF CLAIM AMOUNT SUBMITTED BY THE CANARA BANK S.L.P.32068 - 32070/2012 BEFORE THE HON'BLE SUPREME COURT.
- EXT.P34: CERTIFIED COPY OF THE ARGUMENT NOTE SUBMITTED BY PETITIONER IN SUPREME COURT DATED 29/08/2013
- EXT.P35: CERTIFIED COPY OF THE ORDER IN CIVIL APPEAL NUMBERS 7295 - 7297 DATED 29/08/2013 @ S.L.P. (C) 32068 - 32070/2012 PASSED BY THE HON'BLE SUPREME COURT
- EXT.P36: CERTIFIED CARBON COPY OF THE COMMON OF THE DISMISSAL ORDER E.A.1559/2013 & E.A.397/2014 IN E.P.47/1999 IN O.S.95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P37: CERTIFIED CARBON COPY OF THE DISMISSAL OF THE ORDER E.A.1560/2013 IN E.P.47/1999 IN OS.95/1985 PASSED BY THE HON'BLE SUB COURT THRISSUR.
- EXT.P38: CERTIFIED COPY OF THE ALLOWED ORDER E.A.540/2014 IN E.A.1559/2013 IN E.P.47/1999 IN O.S.95/1985 PASSED BY THE SUB COURT THRISSUR.
- EXT.P39: TRUE COPY OF THE DECREE WAS SENT BY THE HON'BLE SUPREME COURT SECTION TO THE PETITIONER.
- EXT.40: TRUE COPY OF THE OTHER PAGES WAS SENT BY THE HON'BLE SUPREME COURT SECTION TO THE PETITIONER.
- EXT.41: TRUE COPY OF THE COVERING LETTER WAS SENT BY THE HON'BLE SUPREME COURT SECTION TO THE PETITIONER.
- EXT.P42: CERTIFIED COPY OF THE ORDER IN C.R.P.750/1997 DATED 22/09/1997.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

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B.KEMAL PASHA, J.

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O.P.(C) No. 862 of 2015
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Dated this the 6th day of July, 2015

J U D G M E N T

Heard party-in -person.

2. After much chequered career in the case, the petitioner had approached the Hon'ble Supreme Court through Civil Appeal Nos. 7295 to 7295 of 2013. All the said Civil Appeals were disposed of vide judgment dated 29.08.2013, wherein it was held:

“We appreciate the stand taken by the Respondent No.1-Canara Bank that they do not propose to recover any further amount from the appellant. Further, it was also submitted that the amount

already recovered would amount to full and final satisfaction of the decree.

Under the above circumstances, all the disputes between the appellant and Canara Bank would stand closed, and the proceedings, if any, pending before any forum would stand withdrawn and allegations raised against the Canara Bank and its officials would stand expunged.”

3. In the light of the said judgment, it seems that the entire disputes between the petitioner and the Canara Bank have come to an end and the same cannot be reopened. As held by the Apex Court, all disputes between the petitioner and Canara Bank would stand closed. Further, the Apex Court has ordered that the proceedings, if any, pending before any forum between these two parties would stand withdrawn and the allegations raised against the Canara Bank and its officials would stand expunged. Matters being so, the present request forwarded by the petitioner cannot

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be entertained at present by this Court.

In the result, I.A.7361/2015 and the Original Petition are dismissed.

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Sd/- B.KEMAL PASHA, JUDGE

[True copy]

P.S. to Judge