

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP(C).No. 1024 of 2014 (O)

**I.A.NO.1419/2010 AND I.A.NO.778/2006 IN I.P.NO.1/2003 OF SUB COURT,
THIRUVALLA**

PETITIONER(S)/ADDITIONAL 12TH RESPONDENT IN I.P :

**STATE BANK OF TRAVANCORE,
MAIN BRANCH, THIRUVALLA,
REPRESENTED BY ITS ASSISTANT GENERAL MANAGER.**

**BY ADVS.SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW**

RESPONDENT(S)/RESPONDENTS 1 TO 11 IN THE I.P AND OFFICIAL RECEIVER :

- 1. THOMAS CHACKO & SONS REPRESENTED BY ITS PARTNER,
SABU JACOB, PEEDIAKAL, THUKALASSERI MURI, TIRUVALLA- 689 101.**
- 2. PEEDIAKAL AGENCIES,
REPRESENTED BY ANNAMMA CHACKO, PEEDIAKAL,
THUKALASSERI, TIRUVALLA- 689 101.**
- 3. PEEDIAKAL HARDWARES,
REPRESENTED BY ITS PARTNER SABU JACOB, PEEDIAKAL,
THUKALASSERI MURI, TIRUVALLA- 689 101.**
- 4. ANNAMMA CHACKO,
W/O.THOMAS CHACKO, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA- 689 101.**
- 5. P.C.THOMAS,
S/O.THOMAS CHACKO, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA- 689 101.**
- 6. DEENAMMA THOMAS,
W/O.P.C.THOMAS, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA- 689 101.**
- 7. SABU JACOB,
S/O.THOMAS JACOB, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA- 689 101.**

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- 8. SARAMMA SABU,
W/O.SABU JACOB, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA- 689 101.**
- 9. ANNU PHILIP,
W/O.LATE JACOB PHILIP, KOSSERIL HOUSE, CIVIL LINE ROAD,
PALARIVATTOM, ERNAKULAM- 682 032.**
- 10. ANJU ANNU PHILIP,
D/O.ANNU PHILIP, PEEDIAKAL, THUKALASSERI MURI,
TIRUVALLA, NOW AT KOSSERIL HOUSE, CIVIL LANE ROAD,
PALARIVATTOM, ERNAKULAM- 682 032.**
- 11. CUCKU SARA JACOB,
D/O.ANNU PHILIP, KOSSERIL HOUSE, CIVIL LANE ROAD,
PALARIVATTOM, ERNAKULAM.**
- 12. ADV. ANNIE SWEETIE,
OFFICIAL RECEIVER, PATHANAMTHITTA- 689 102.**

**R12 BY ADVS. SRI.RENJITH B.MARAR
SRI.BIJI MATHEW
SRI.B.V.JOY SANKER
SRI.P.VISHNU**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

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APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1 : TRUE COPY OF THE PETITION NUMBERED AS I.A.NO.778/2006 IN
IP NO.1/2003 FILED BY THE PETITIONER.**

**EXHIBIT P2 : TRUE COPY OF THE OBJECTION FILED BY THE OFFICIAL IN
EXHIBIT P1 PETITION.**

**EXHIBIT P3 : TRUE COPY OF THE PETITION NUMBERED AS I.A.NO.1419/2010 IN
IP NO.1/2003 FILED BY RESPONDENTS 9 TO 11 HEREIN.**

**EXHIBIT P4 : TRUE COPY OF THE COUNTER STATEMENT FILED BY
THE PETITIONER HEREIN TO EXHIBIT P3 PETITION.**

**EXHIBIT P5 : TRUE COPY OF THE COMMON ORDER DATED 10.12.2010 IN
I.A. NOS. 1419/2010 AND I.A.NO.778/2006 IN I.P.NO.1/2003 OF
THE SUB COURT, THIRUVALLA.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1024 of 2014
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Dated this the 3rd day of July, 2015

J U D G M E N T

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In view of order dated 11.04.2014 and the further clarification on 27.05.2014, the notice to the Official Receiver has to be treated as notice to all the affected parties in the matter. The appellate court need not entertain a doubt as to whether the legal representatives of those persons, who are no more, are to be impleaded or not. When their interest is being safeguarded by the Official Receiver, it is made clear that the notice to the Official Receiver alone is required, over and above the notice to respondents 9 to 11.

2. The court below is directed to dispose of the IA for getting the delay condoned as well as the appeal, as

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: 2 :

expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

O.P.(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/07

// True Copy //

PA to Judge