

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

OP(C).No. 2556 of 2014 (O)

(E.P. 79/2010 IN LAR 3/2000 OF PRINCIPAL SUB COURT, THODUPUZHA)

PETITIONER:

FOOD CORPORATION OF INDIA
REP BY THE AREA MANAGER, DISTRICT OFFICE
KOTTAYAM DISTRICT.

BY ADVS.SRI.P.JACOB VARGHESE (SR.)
SRI.VIVEK VARGHESE P.J.

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE DISTRICT COLLECTOR, IDUKKI - 685 603.

2. MR.MICHAEL JOSEPH
KIZHAKKAYIL HOUSE, ARAKKULAM P O, THODUPUZHA - 685 591.

R2 BY ADV. SRI.MATHEW JOHN (K)
R2 BY ADV. SRI.DOMSON J.VATTAKUZH

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 11-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 2556 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS:

- P1:- TRUE COPY OF THE AFFIDAVIT AND STATEMENT OF CALCULATION IN EP 79/2000 IN LAR NO 3/2000 OF SUB COURT, THODUPUZHA DTD 21/10/2014.
- P2:- COPY OF CALCULATION STATEMENT DTD.19.6.14 FILED BY STATE GOVT. IN EP.79/2010 IN LAR 3/2000 OF SUB COURT, THODUPUZHA.
- P3:- COPY OF ORDER DTD. 30.9.14 IN E.P.79/2010 IN LAR 3/2000 OF SUB COURT, THODUPUZHA.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.2556 OF 2014

Dated this the 11th day of February, 2015.

J U D G M E N T

The grievance in this original petition is regarding non consideration of an objection said to have been filed by the Food Corporation of India regarding the amount due to the petitioner. In the process, execution court has attached two vehicles belonging to the 1st respondent to enforce the order in LAR No.3/2000.

2. Sri.Mathew John, learned counsel appearing for the 2nd respondent pointed out that the question of consideration of present allegation does not arise for consideration for the simple reason that final amount due to the claimant has been determined by the order dated 30.09.2014 of which all the parties have been given notice and proceedings have attained finality. If they had any grievance, they should have objected at that time and not now and therefore, that matter does not arise for consideration. The claimant also pointed out that he is not

interested in keeping the vehicles but he is interested only in getting the amount due to him.

Since the Food Corporation of India have filed a statement, that may be considered if permissible in law. However, it will be open to the Food Corporation of India to challenge the order dated 30.09.2014 in accordance with law.

This original petition is disposed of as above.

Sd/-

**P.BHAVADASAN
JUDGE**

smp