

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

RP.No. 23 of 2012 IN WA.1823/2010

**AGAINST THE JUDGMENT IN WA 1823/2010 of HIGH COURT OF KERALA
DATED 23-08-2011**

REVIEW PETITIONER/APELLANT:

**LIFE INSURANCE CORPORATION OF INDIA
REPRESENTED BY THE BRANCH MANAGER(P&GS)
DIVISIONAL OFFICE, KOTTAYAM
THROUGH THE HANDS OF ITS MANAGER
(LEGAL & HOUSING PROPERTY FINANCE)
SHRI.R.SURENDRAN, AGED 58 YEARS, S/O.LATE RAMAN PILLAI
LIC OF INDIA, DIVISIONAL OFFICE, ERNAKULAM-682011.**

**BY ADVS.SRI.VARGHESE C.KURIAKOSE
SMT.RENJINI RAJENDRAN
SRI.T.A.ABDUL RASHEED**

RESPONDENTS/RESPONDENTS IN THE WRIT APPEAL:

- 1. THE INSURANCE OMBUDSMAN
OFFICE OF THE INSURANCE OMBUDSMAN, KOCHI-682016.**
- 2. SHRI.K.P.VARUGHESE,
KALLARACKAL HOUSE, ERICADU, PUTHUPPALLY.P.O
KOTTAYAM-686011.**
- 3. THE ADYAPAKA CO-OP.BANK LTD.,
794, PUTHUPPALLY, KOTTAYAM-686011
REPRESENTED BY ITS SECRETARY.**

**R3 BY ADVS. SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH
R2 BY ADV. SRI.GEORGE SEBASTIAN
R1 BY ADV. SRI.SUSHEEL JOSEPH CYRIAC**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 30-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S ANNEXURES

**ANNEXURE - 1 : TRUE PHOTOSTAT COPY OF MASTER POLICY NO.GGI
45281 ISSUED TO M/S.ADHYAPAKA CO-OP. BANK LTD.,
NO.794**

**ANNEXURE - 2 : TRUE PHOTOSTAT COPY OF COST AND BENEFIT
SCHEDULE AT THE TIME OF RENEWAL DATED 01.11.2006**

RESPONDENT'S ANNEXURES

NIL

/TRUE COPY/

PA TO JUDGE

JJJ

ASHOK BHUSHAN, C.J.
&
P.R.RAMACHANDRA MENON, J.

R.P. No. 23 of 2012
in
W.A. No. 1823/2010

Dated this the 30th day of March, 2015

O R D E R

Ashok Bhushan, C.J.

Heard the learned counsel for the review petitioner and the learned counsel appearing for the respondents.

2. This is a petition praying for review of the judgment dated 23.08.2011 passed by the Division Bench in Writ Appeal No.1823/2010, by which order the Writ Appeal filed by the petitioner Corporation was dismissed.

3. The learned counsel for the petitioner, in support of the review petition, submits that against a common judgment, Writ Appeal Nos.1822/2010 and 1823/2010 were filed. Both the appeals, although were directed to be listed

together, Writ Appeal No. 1823/2010 alone was heard and decided and Writ Appeal No.1822/2010 is still pending. The learned counsel for the petitioner further submits that, copy of the entire Group Insurance Policy, which was the subject matter of consideration, could not be brought on record in the Writ Appeal or the Writ Petition which was necessary for deciding the issues raised; which policy has been brought on the record along with the statement submitted by the review petitioner.

4. The learned counsel for the petitioner although has raised certain grounds on merit to review the judgment, looking into the fact that two appeals against the common judgment were to be heard together and Appeal No.1822/2010 could not be heard when the Appeal No.1823/2010 was decided and further, the copy of the policy, which is a relevant document for deciding the issue,

could not be brought in the Writ Appeal or the Writ Petition, we are of the view that sufficient grounds have been made out to review and recall the judgment dated 23.08.2010.

Review Petition is allowed. Judgment dated 23.08.2010 is reviewed and recalled. Both the Writ Appeals have been heard on merits.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
P.R.RAMACHANDRA MENON,
JUDGE.