IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:
THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

RP.No. 595 of 2013 (E) IN Arb.A.24/2009

AGAINST THE JUDGMENT IN Arb.A 24/2009 of HIGH COURT OF KERALA DATED 19.03.2013

PLAINTIFF/REVIEW PETITIONERS/APPELLANTS/RESPONDENTS:

VARGHESE K. PULAYATH (DECEASED)
CONTRACTOR, AMBALAMUGAL PO
COCHIN-682 302.

1. **SOSAMMA VARGHESE**
   WIFE OF LATE VARGHESE K.PULAYATH, PULAYATH HOUSE
   AMBALAMUGAL P.O., COCHIN-682 302.

2. **BABU P.VARGHESE**
   SON OF LATE VARGHESE, K.PULAYATH
   PULAYATH HOUSE AMBALAMUGAL P.O., COCHIN-682 302.

3. **DAISY GEORGE**
   DAUGHTER OF LATE VARGHESE K.PULAYATH
   C/O.DR.GEORGE P.ABRAHAM, H I G -8, PANAMPILLY NAGAR
   COCHIN.

4. **JESSY JOHN**
   DAUGHTER OF LATE VARGHESE K.PULAYATH
   C/O.JOHN ZACHARIA, KUZHUVELIL HOUSE, KOOTHATTUKULAM.

BY ADVS.SRI.RAJIV ABRAHAM GEORGE
SRI.EAPEN ABRAHAM GEORGE

RESPONDENTS/RESPONDENTS/APPELLANTS:
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1. **THE CENTRAL WAREHOUSING CORPORATION**
   CONSTRUCTRION CELL, 28/12, PANAMPILLY NAGAR
   COCHIN 682036.

2. **THE EXECUTIVE ENGINEER**
   CENTRAL WAREHOUSING CORPORATION CONSTRUCTRION CELL
   28/12, PANAMPILLY NAGAR, COCHIN 682036.

BY SRI.M.R.VENUGOPAL

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JJJ

V.K. MOHANAN & A.HARIPRASAD, JJ

Review Petition No. 595 of 2013
in
Arbitration Appeal No.24 of 2009

Dated this the 5th day of March, 2015

O R D E R

Hariprasad, J.

Heard the learned counsel for the review petitioner and the learned counsel for the respondents. This Court as per judgment dated 19.3.2013 disposed of the case allowing the cross objection filed by the respondents in the appeal and dismissing the appeal.

2. According to the learned counsel for the review petitioner, this court omitted to include an amount awarded by the Arbitrator towards the claim of interest for the amount paid during course of the arbitration proceedings. This court as per the above mentioned judgment awarded entire claims in the cross objection and this particular amount was omitted to be incorporated in the judgment.

3. In the meanwhile there was a Special Leave Petition filed by the appellant before the Supreme Court, which was later dismissed.

Reckoning the entire facts and circumstances, this petition is allowed.

Point (e) in the judgment in Arbitration Appeal No.24/2009 shall be substituted as follows: The clause '(e)' shown in the judgment is re-numbered clause '(f)' and in that place the following shall be added.

"(e) The petitioner is entitled to interest at 18% per annum on Rs.1,87,169/- (which was paid during the proceedings) from 31.10.1988 till 25.01.1998, amounting to a sum of Rs.3,11,151/-".

Sd/-
V.K. MOHANAN,
JUDGE.

Sd/-
A. HARIPRASAD,
JUDGE.

jjj