

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

RP.No. 202 of 2015 () IN OP(C) NO.416/2015

AGAINST THE JUDGMENT IN OP(C) NO.416/2015 of HIGH COURT OF KERALA DATED
20.02.2015

REVIEW PETITIONER(S)/PETITIONERS IN THE ORIGINAL PETITION:

1. RUSSAL M. EASA , AGED 43 YEARS, S/O.P.S.MOHAMMED, MANAGING PARTNER, "THE WOODIND, VII/633 B, IX/21, 22/9, SEAPORT AIRPORT ROAD, B.M.C. P.O., KAKKANAD, RESIDING AT 3/402, VALAVI VAULT, CHEMBUMUKKU, KAKKANAD , ERNAKULAM DISTRICT-682030.
2. SAVITHA RUSSL, AGED 37 YEARS, W/O.RUSSEL M.EASA, PARTNER, "THE WOODIND, VII/633 B, IX/21, 22/9, SEAPORT AIRPORT ROAD, B.M.C. P.O., KAKKANAD, RESIDING AT 3/402, VALAVI VAULT, CHEMBUMUKKU, KAKKANAD , ERNAKULAM DISTRICT-682030.

BY ADVS.SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENT(S)/RESPONDENTS IN THE ORIGINAL PETITION:

1. RASHEED V.P, AGED ABOUT 57 YEARS, S/O.PAREED KHAN, PROPRIETOR, E-ORIENTAL TIMBERS, N.H.BYE PASS, OPP.CHAITHANYA MARBLES, EDAPPALLY, ERNAKULAM DISTRICT, KOCHI - 682 024.
2. M/S.INDIAN BANK, KAKKANAD BRANCH, KOCHI-682021, VAZHAKKALA VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT.
3. M/S.TAMIL NADU MERCANTILE BANK, NEAR SUDHEENDRA HOSPITAL, KACHERIPADY, CHITTOOR ROAD, ERNAKULAM DISTRICT, KOCHI-682018.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 23-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

R.P.No.202 of 2015
in
O.P.(C) No.416 of 2015

Dated this the 23rd day of February, 2015

ORDER

This Court as per judgment dated 20.02.2015 disposed of O.P.
(C) No.416 of 2015 as follows:

“In the result, both the original petitions are disposed of. The lower court is directed to dispose of I.A.No.369 of 2015 in O.S.No.64 of 2015 and I.A.No.543 of 2015 in O.S.No.77 of 2015 on or before 24.02.2015, untrammelled by any of the observations contained in this judgment.

The petitioners have approached this Court with this review petition with following prayers:

“Hence it is humbly prayed that this Hon'ble Court may be pleased to recall and review the judgment dated 20.02.2015 in O.P.(C) No.416/2015.

Interim Relief prayed for:

For the reasons and averments stated in the memorandum of Review Petition, it is humbly prayed that this Honourable Court may be pleased to direct the respondents herein not to release/encash the ILC

bearing No.00027214DL0000009 dated 27.08.2014 for an amount of Rs.1,98,25,000/- which is drawn by the petitioners through its bankers, the 2nd respondent in favour of the 1st respondent through its bankers the 3rd respondent, till the disposal of this Review Petition.”

2. Heard the learned counsel for the review petitioners and the learned counsel for the respondents.

3. It is submitted by the learned counsel on both sides that the learned Munsiff has posted the matter for hearing today at 3'o clock. The apprehension of the review petitioners is that if orders are not pronounced by the court below, the letter of credit will be encashed by the 3rd respondent on 24.02.2015. The learned counsel for the 3rd respondent submitted that the amount involved therein was paid by the 3rd respondent to the 1st respondent on the representation of the petitioners and the 3rd respondent is entitled to get back the amount paid by them by encashing the letter of credit. It is also submitted by the learned counsel for the 3rd respondent that larger questions like question of pecuniary jurisdiction, etc. are involved in the suit. I do not wish to express any opinion on that. The court below shall dispose of the matter as expeditiously as possible considering the urgency. If the review petitioners, even by oral submissions, establish reasons before the court below to seek interim

R.P.No.202 of 2015

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orders in this matter, they are free to approach the court and the court below shall dispose of the matter after hearing all the parties concerned.

Review petition is disposed of.

A. HARIPRASAD, JUDGE.

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