

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

RP.No. 765 of 2015

JUDGMENT DATED 01-07-2015 IN AR 65/2014.

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REVIEW PETITIONER/APPLICANT:

**K.S SOMASUNDARAN, AGED 47 YEARS,
S/O. K.R.SREEDHARAN, KURUVATH HOUSE,
PUTHENPEEDIKA P.O., THRISSUR.**

BY ADV. SRI.C.HARIKUMAR

RESPONDENT/OPPOSITE PARTY/RESPONDENT:

**K.A MANOJKUMAR,
S/O. K.K.ASHOKAN, KANNAPPASSERI HOUSE,
PULLAZI NORTH P.O., THRISSUR - 680 012.**

BY SRI.DILIP J. AKKARA

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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R.P. No. 765 of 2015 in A.R No.65 of 2014

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Dated this the 2nd day of November, 2015

ORDER

Heard the learned counsel for the review petitioner and the learned counsel for the respondent.

2. The learned counsel for the review petitioner has pointed out that a factual error has been crept in the judgment passed by this Court so far as it relates to the first cheque allegedly issued, since that cheque was not presented and honoured.

3. At the same time, the learned counsel for the respondent has pointed out that even without presenting the said cheque, the amount of ₹2 lakhs covered by the said cheque was paid to the respondent by the review petitioner through bank and the said amount has come to the loan account and therefore, it is as good as honouring the first cheque. The judgment is corrected by incorporating the fact that the first cheque was not honoured on presentation;

whereas the amount covered by the said cheque was transferred through the loan account and thereby, the said amount of ₹2 lakhs covered by the said cheque was discharged.

4. Further, the learned counsel for the review petitioner has pointed out that Ext.R1(a) contains only the thumb impression of one of the persons. The review petitioner may be given an opportunity to challenge the validity of Ext.R1(a) at appropriate stage before appropriate forum. The said liberty is also granted.

This review petition is disposed of accordingly.

Sd/-
B.KEMAL PASHA, JUDGE

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