

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937**

**WA.No. 1974 of 2015 ()**  
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**AGAINST THE ORDER DATED 03/09/2015 IN I.A. NO.12239/2015 IN  
WP(C).NO.18683/2015.**  
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**APPELLANT/PETITIONER:**  
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**K.V. GEORGE, S/O.VARGHESE,  
AGED 56 YEARS, CONTRACTOR,  
KANAMPURAM HOUSE, MURIVILANGU,  
VILANGU P.O., EDATHALA VIA, ALUVA,  
ERNAKULAM DISTRICT-683 561.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA,  
SRI.P.T.ABHILASH.**

**RESPONDENTS/RESPONDENTS:**  
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- 1. GOVERNMENT OF KERALA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF PUBLIC WORKS,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.**
- 2. SUPERINTENDING ENGINEER,  
HARBOUR ENGINEERING CENTRAL CIRCLE,  
2ND FLOR, KOCHI CORPORATION SHOPPING  
COMPLEX-CUM-OFFICE BUILDING,  
HAJEE K.C.M. MATHER ROAD,  
ERNAKULAM, KOCHI-682 018.**
- 3. EXECUTIVE ENGINEER,  
PUBLIC WORKS DEPARTMENT (ROAD DIVISION),  
THRIKKAKARA, ERNAKULAM, KOCHI-682 021.**

**BY SPL. GOVT. PLEADER SMT.GIRIJA GOPAL.**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION  
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

**ASHOK BHUSHAN, CJ**

**&**

**A.M.SHAFFIQUE, J.**

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W.A.No.1974 of 2015

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Dated this the 9<sup>th</sup> day of September 2015

**J U D G M E N T**

**Ashok Bhushan, CJ**

Heard learned counsel for the appellant and the learned Government Pleader.

2. This writ appeal has been filed against the order dated 03/09/2015 in I.A.No.12239 of 2015 in W.P.C.No.18683 of 2015. The writ petition was dismissed by the learned Single Judge by judgment dated 23/07/2015. The learned Single Judge, while dismissing the writ petition directed as follows:

*“Time for providing security deposit shall stand extended by 14 days from today, without any penalty”.*

3. Petitioner's case is that the certified copy of the judgment could be delivered only on 11/08/2015, by which date, 14 days time has already come to an end. Hence he filed I.A.No.12239/2015, which has been disposed of. It is submitted by the learned counsel for the appellant that by disposing of the I.A.No.12239/2015, the learned Single Judge has also extended time by five days with a maximum fine of Rs.25,000-. It is submitted that there was no delay on the part of the appellant

and he could not comply with the judgment since the certified copy of the judgment was not available. It has further been noted that time, which was allowed by order dated 03/09/2015, that is five days, has also come to an end. The learned counsel for the appellant submits that the writ appeal was filed on 07/09/2015.

4. We have considered the submission of the learned counsel for the parties and perused the records.

5. There is no denial of the fact that the certified copy of the judgment could be received by the petitioner/appellant on 11/08/2015. However, there is nothing on record to indicate that any attempt was made by the appellant to provide security deposit within the 14 days' time. But, looking to the facts of the case, present is not a case where maximum fine of Rs.25,000/- ought to have been imposed.

In the above view of the matter, we dispose of this writ appeal reducing the amount of fine to Rs.10,000/- and granting time upto 14/09/2015 to provide security deposit with fine of Rs.10,000/-.

(sd/-)  
**(ASHOK BHUSHAN, CHIEF JUSTICE)**

(sd/-)  
**(A.M.SHAFFIQUE, JUDGE)**





