

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 8513 of 2012 (L)

PETITIONER(S) :

**K.A. SAJU, AGED 37 YEARS,
S/O.T.K.ABDUL KADAR, BUSINESS,
RESIDING AT POOVATHUMMOOTIL KADAVIL, EDAPPALLY P.O,
COCHIN- 682 024, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.PEEYUS A.KOTTAM
SRI.C.R.SANISH
SRI.JEFF JOSEPH**

RESPONDENT(S) :

**K. NARAYANAN,
S/O.LATE E.GOPALAN, RESIDING AT ANNAPOORNA,
THIRUVANKULAM P.O, ERNAKULAM- 682 305.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF ORDER DATED 29-07-2011 OF CONSUMER DISPUTES REDRESSAL FORUM ERNAKULAM IN CC NO.287/2011.
- EXT.P2: TRUE COPY OF DEMAND DRAFT NO.121648 DATED 01-02-2012 FOR Rs.7,00,000/- OF CORPORATION BANK GIVEN TO KELSA BY PETITIONER.
- EXT.P2(A): TRUE COPY OF DEMAND DRAFT NO.121649 DATED 01-02-2012 OF CORPORATION BANK FOR Rs.3,00,00,000 GIVEN TO KELSA BY PETITIONER.
- EXT.P2(B): TRUE COPY OF DEMAND DRAFT NO.281876 DATED 31-01-2012 FOR Rs.9,97,242-00 OF THE FEDERAL BANK LTD GIVEN TO KELSA BY PETITIONER.
- EXT.P2(C): TRUE COPY OF DEMAND DRAFT NO.281875 DATED 30-01-2012 FOR Rs.19,94,485/ OF THE FEDERAL BANK LTD GIVEN TO KELSA BY PETITIONER.
- EXT.P2(D): TRUE COPY OF DEMAND DRAFT NO.822707 DATED 23-01-2012 FOR Rs.6,90,000/- OF UNITED BANK OF INDIAN GIVEN TO KELSA BY PETITIONER.
- EXT.P2(E): TRUE COPY OF DEMAND DRAFT NO.268047 DATED 25-01-2012 OF THE SOUTH INDIAN BANK LTD FOR RS.38,00,00,000 GIVEN TO KELSA BY PETITIONER.
- EXT.P2(F): TRUE COPY OF DEMAND DRAFT NO.822711 FOR Rs.6,00,00,000 GIVEN TO KELSA BY PETITIONER.
- EXT.P2(H): TRUE COPY OF DEMAND DRAFT NO.993053 DATED 03-02-2012 FOR Rs.7,20,000 GIVEN TO KELSA BY PETITIONER.
- EXT.P2(I): TRUE COPY OF DEMAND DRAFT NO.000761 DATED 02-02-2012 FOR Rs.25,00,00,0000 OF HDFC BANK LTD GIVEN TO KELSA BY PETITIONER.
- EXT.P(J): TRUE COPY OF DEMAND DRAFT NO.822706 DATED 23-01-2012 FOR Rs.9,00,000 OF UNITED BANK OF INDIA GIVEN TO KELSA BY PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 8513 of 2012

Dated this the 4th day of February, 2015

J U D G M E N T

Aggrieved by the warrant issued by the Consumer Dispute Redressal Forum (CDRF) against the petitioner for realisation of a sum of ₹1,00,000/- (Rupees one lakh only) with interest @ 9.25%, the petitioner has come up before this Court.

2. As per Ext.P1 order, the CDRF, Ernakulam allowed the petition filed by the respondent herein, allowing him to recover an amount of ₹1,00,000/- (Rupees one lakh only) with interest @ 9.25% from 17.05.2008 along with ₹10,000/- (Rupees ten thousand only) towards cost. The petitioner alleges that he had already applied for a separate copy of the order for preferring appeal.

3. When the matter came up for admission, the petitioner admitted that he is prepared to pay the amount as per the order of the CDRF if he is given instalment

..2..

facility. Therefore, the petitioner was directed to pay the amount covered by Ext.P1 order of the CDRF, Ernakulam in five equal monthly instalments staring from 01.05.2012. It was made clear that every subsequent instalment should be paid on the first working day of every succeeding month. It was also observed that if the petitioner pays the instalments on due dates without default, further proceedings for arrest and detention should be kept in abeyance.

As the very purpose sought to be achieved by the filing of the writ petition has been served by the interim order already passed, this Court is of the view that there is no need to proceed with the writ petition.

Therefore, the writ petition is closed without examining merits.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-