

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5750 of 2015 (P)

PETITIONER :

SANALKUMAR, AGED 30 YEARS
S/O.SASIDHARAN, CHARUVILA VEEDU, 21,
GRACING BLOCK, LACHERI, PUNALLOOR
KOLLAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS :

1. SUB INSPECTOR OF POLICE,
PALODE POLICE STATION, THIRUVANANTHAPURAM - 695 541.
2. SREERAM EQUIPMENT FINANCE COMPANY LTD.,
ANAND TOWERS, VIM ROAD, RAVIPURAM
COCHIN - 682 016
REPRESENTED BY ITS REGIONAL MANAGER.
3. THE RECOVERY MANAGER,
SREERAM EQUIPMENT FINANCE COMPANY LTD., 4TH FLOOR
CAPITAL CENTRE, M.G.ROAD, STATUE
THIRUVANANTHAPURAM - 695 001.
4. THE BRANCH MANAGER,
SREERAM EQUIPMENT FINANCE COMPANY LTD., FIRST FLOOR
THAMEEM BUILDING, NEAR K.S.F.E., PUNALLOOR ROAD
R.O.JUNCTION, ANCHAL, KOLLAM DISTRICT - 691 506.

R1 BY STATE ATTORNEY,SRI.P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 5750 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1. TRUE COPY OF THE INVOICE DATED 28.12.2012.

EXHIBIT P2. TRUE COPY OF THE RECEIPT DATED 29.10.2014.

EXHIBIT P3. TRUE COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT TO
THE PETITIONER DATED 18.11.2014.

EXHIBIT P4. TRUE COPY OF THE REPRESENTATION OF THE PETITIONER SUBMITTED
TO THE 1ST RESPONDENT DATED 11.12.2014.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 5750 OF 2015

Dated this the 24th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned State Attorney.

2. This writ petition has been filed seeking police protection. Petitioner's case is that a 'JCB' was financed by 2nd respondent and as there is default in payment, now respondents are taking steps to take possession of the JCB and creating obstruction in operating the machine. The petitioner having entered into contract with 2nd respondent while taking finance and he has committed default, the remedy of the petitioner is to invoke the terms and conditions of contract and seek for arbitration or such civil remedy permissible under law. This writ petition for police protection cannot be entertained. Hence the same is dismissed.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**