

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 8938 of 2015 (N)

PETITIONER(S):

- 1. M/S. MARUTHI HABITAT & REALTORS INDIA PVT. LTD.,
1ST FLOOR, SHIVAM, WEST LAYAM ROAD,
TRIPUNITHURA, PIN-682 301,
REP. BY ITS MANAGING DIRECTOR.**
- 2. V.VENKITESWARAN, AGED 62 YEARS,
S/O.P.S.VJYER, VAISHNAVI, PRASANTHI LANE,
TRIPUNITHURA-682 317, MANAGING DIRECTOR,
M/S. MARUTHI HABITAT & REALTORS INDIA PVT. LTD.**

**BY ADVS.SRI.ROY VARGHESE
SRI.TITTO THOMAS**

RESPONDENT(S):

- 1. DISTRICT CONSUMER DISPUTES REDRESSAL FORUM,
ERNAKULAM,
REP. BY ITS SUPERINTENDENT/PRESIDENT.
KATHRIKADAVU, KALOOR P.O, KOCHI-17.**
- 2. N. SAUDAMINI, AGED 58 YEARS
W/O.GOPALAKRISHNA KURUP, 48/1259, ASWATHI,
EDAPPALLY, KOCHI-682 024.**

**R1 BY SPECIAL GOVERNMENT PLEADER SMT.SUSHEELA R. BHAT
R2 BY ADVS. SRI.K.SANEESH KUMAR
SMT.V.B.SANTHINI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 8938 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE COMPLAINT DATED 18-02-2013 IN CC NO.132/2013 FILED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT.

EXT.P2 - TRUE COPY OF THE CERTIFIED COPY OF THE ORDER DATED 21-12-2013 IN CC NO.132/2013 OF THE 1ST RESPONDENT.

EXT.P3 - TRUE COPY OF THE NOTICE DATED 18-06-2014 ISSUED BY THE 1ST RESPONDENT.

EXT.P4 - TRUE COPY OF THE COMPLAINT DATED 17-05-2014 IN ST NO.27/2014 OF THE 1ST RESPONDENT.

EXT.P5 - TRUE COPY OF THE PETITION FOR PERMISSION TO PAY THE AWARD AMOUNT BY INSTALLMENTS DATED 12-3-2015

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.8938 OF 2015
.....

Dated this the 9th April, 2015

J U D G M E N T

The dispute between the petitioners and second respondent came to be settled as per the verdict passed by CDRF in CC.No.132 of 2013, by virtue of which, the petitioners were liable to satisfy the due amount in the following terms:

"i. The opposite parties shall jointly and severally refund Rs. 11 lakhs (Rupees Eleven lakhs only) to the complainant;

ii) the opposite parties shall jointly and severally also pay Rs.2 lakhs (Rupees two lakhs only) to the complainant towards compensation and costs of the proceedings."

2. Non-payment of the said amount led to coercive proceedings, which is sought to be intercepted in this writ petition . The prayer is to enable the petitioners to clear the liability in a phased manner, by way of reasonable installments.

3. When the matter came up for consideration before this Court on 20.03.2015, coercive proceedings were intercepted subject to satisfaction of a sum of Rs.4 lakhs within two weeks. It is stated that the petitioners have already deposited a sum of Rs. 5 lakhs including the amount deposited pursuant to the

interim order dated 20.03.2015. It is stated that the balance amount is nearly Rs.10 lakhs. The learned Counsel for the second respondent submits that the petitioner can be granted three installments to settle the balance liability.

4. After hearing both the sides, the petitioner is permitted to clear the balance liability by way of '**four**' equal monthly installments, the first of which shall be cleared on or before **30.04.2015**, followed by similar installments to be effected **on or before the last working day of the succeeding** months. Subject to the above, the recovery proceedings shall be kept in abeyance. It is made clear that if any default is committed by the petitioners in effecting the installments as above, the second respondent will be at liberty to proceed with further steps for realisation of the amount in a lump, from the stage where it stands now. The second respondent is also permitted to withdraw the amount already deposited before the first respondent /Consumer Dispute Redressal Forum.

P.R.RAMACHANDRA MENON
JUDGE