

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

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

WP(C).No. 32380 of 2015 (V)

PETITIONERS :

1. VELUSWAMI, AGED 55 YEARS,
S/O. THIRUMALATHEVAR,
CHARUVILA PUTHEN VEEDU, KOVOOR
VAYALA P.O., KOTTUKKAL VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT
2. THAMARAKSHI AMMA, AGED 54 YEARS,
W/O VELUSWAMI,
CHARUVILA PUTHEN VEEDU, KOVOOR
VAYALA P.O., KOTTUKKAL VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT

**BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA**

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHPURAM-695 001
2. THE STATE BANK OF TRAVANCORE,
PUNALUR BRANCH, REPRESENTED BY THE BRANCH MANAGER
3. SHRI RAM GENERAL INSURANCE CO-LTD
E8-EPIP, RIICO INDUSTRIAL AREA, SITAPURA
JAIPUR, RAJASTHAN,
REPRESENTED BY ITS BRANCHMANAGER , KOLLAM
4. MATHRA SERVICE CO-OPERATIVE BANK
KARUVAOOR BRANCH, KOLLAM DISTRICT
REPRESENTED BY ITS BRANCH MANAGER

**R1 BY GOVERNMENT PLEADER
R2 BY SRI.R.S.KALKURA, SC, SBT
R3 BY ADVS. SRI.P.JACOB MATHEW
SMT.PREETHY R. NAIR
R4 BY ADV. SMT.M.M.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE CHEQUE BEARING NO. 266165 DT. 7/7/15 FOR
RS. 986510 DRAWN ON AXIS BANK
- EXT.P2: TRUE COPY OF THE CHEQUE BEARING NO. 266166 DT. 7/7/15 OF
RS 986511 DRAWN ON AXIS BANK
- EXT.P3: TRUE COPY OF THE INTIMATION 7/10/15 ISSUED BY THE 2ND
RESPONDENT BANK TO THE PETITIONER NO.1
- EXT.P4: TRUE COPY OF THE INTIMATION 7/10/15 ISSUED BY THE 2ND
RESPONDENT BANK OF THE PETITIONER NO. 2

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C).No.32380 of 2015

Dated this the 2nd November, 2015

JUDGMENT

The petitioner was paid insurance amount by the third respondent by way of Exhibits P1 and P2 cheques. The petitioner presented the cheques dated 7.7.2015 before the Bank. The validity of the cheques is for three months. It appears that on account of the delay in presenting the cheques, the cheques were returned stating 'instrument out dated stale'. The petitioner seeks relief seeking permission for representing the cheques or issuing new cheques by the third respondent.

2. Learned counsel for the third respondent would submit that if the petitioner returns Exhibits P1 and P2 cheques, they are prepared to issue fresh cheques.

In the above circumstances, this Writ Petition is disposed of with the following direction:

The petitioner shall return Exhibits P1 and P2 cheques to the third respondent on or before 11.11.2015 and on receipt of the cheques, the third respondent shall issue fresh cheques.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs3/11/15