

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).NO. 35229 OF 2014 (C)

PETITIONER(S):

SAMEER STANLEY, AGED 41 YEARS
S/O.P.S. STANLEY, H. NO. 49/1374A
PUTHENVEETIL HOUSE, MEENCHIRA ROAD, PONEKKARA
ERNAKULAM - AIMS 682041.

BY ADVS.SRI.B.N.SHIVSANKAR
SMT.MEGHA MUKUNDASWAR

RESPONDENT(S):

1. THE OFFICIAL LIQUIDATOR
MINISTRY OF CORPORATE AFFAIRS, HIGH COURT OF KERALA.

2. OFFICE OF THE SPECIAL DEPUTY TAHSILDAR (RR)
KANAYANNUR TALUK, ERNAKULAM - 682011.

3. VILLAGE OFFICER,
EDAPALLY SOUTH VILLAGE, ERNAKULAM - 682 024.

4. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPPEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 35229 OF 2014 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE NOTICE ISSUED BY THE 2ND AND 3RD
RESPONDENTS DATED 16/09/2014.

EXHIBIT-P2-TRUE COPY OF THE DEMAND NOTICE ISSUED BY DEBTS RECOVERY
TRIBUNAL IN O.A 28/2013 DATED 04/09/2014.

EXHIBIT-P3-TRUE COPY OF THE ORDER OF ATTACHMENT MADE BY THE FAMILY
COURT, ERNAKULAM DATED 24/03/2014.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.35229 OF 2014

Dated this the 30th day of January, 2015

J U D G M E N T

When this writ petition come up for admission, it was submitted by the learned counsel for the petitioner that he proposes to file an appeal against the order of this Court in C.C.No.285 of 2008 in C.P.No.3 of 2003, but he apprehended recovery proceedings pursuant to Ext.P1 notice in the interregnum. Taking note of this submission, a short stay was granted of further proceedings pursuant to Ext.P1 notice, for a period of 10 days so as to enable the petitioner to prefer an appeal against the order passed in the company petition. The petitioner did not file the appeal within a period of 10 days granted by this Court. When the matter was taken up on 22.01.2015, taking note of the submission of counsel for the petitioner that some more time was required for the purposes of filing the appeal, this Court extended the interim stay till today and the matter was posted today. Today, when the case is called up, counsel for the petitioner seeks some more time to file the appeal. While it is open to the petitioner to pursue his remedies by way of an appeal as stated above, I do not think there

is any necessity to continue the stay granted by this Court, which was only for the purposes of enabling the petitioner to seek appropriate remedies against the order of this Court in C.P.No.3 of 2003. In view of the fact that sufficient time has been granted by this Court to enable the petitioner to file the appeal, and it is the definite view of this Court that the petitioner must be relegated to the alternate remedy available to him, the writ petition is now dismissed as not maintainable.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

