IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 12TH DAY OF MARCH 2020 / 22ND PHALGUNA, 1941

OP(C).No.1345 OF 2019

AGAINST THE ORDER/JUDGMENT IN CC 75/2015 OF KERALA STATE CONSUMER DISPUTE REDRESSALCOMMISSION, THIRUVANANTHAPURAM

PETITIONER/S:

AJITHA KAILAS,
AGED 52 YEARS, W/O.KAILAS, HOUSEWIFE,
RESIDING AT TC VIII/1275(16) DNRA-173,
DEVI NAGAR, NEELAMANA P.O., THIRUVANANTHAPURAM,
PIN - 695 006.

BY ADV. SRI.R.RAGHUNANDANAN

RESPONDENT/S:

1 **K.MANOMOHAN,**
AGED 66 YEARS, S/O.DAMODARAN, RETIRED ROM KSEB, 151,
KAUSTHUBHAM, GANDHI NAGAR, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695 014.

2 **MRS.LATHA K.NAMBOODIRI,**
DIRECTOR, M/S.KRISTAL INFRASTRUCTURE, NO.1, 4TH CROSS, 27TH MAIN BTM 2ND STAGE, BANGALORE - 560 076.

3 **M/S.KRISTAL GROUP,**
T.C.9/1753(4) SRLC 15 SOUPARNIKA, SANKAR LANE,
SASTHAMANGALAM, THIRUVANANTHAPURAM, PIN - 695 010.

R1 BY ADV. SRI.K.B.PRADEEP
R3 BY ADV. SMT.G.R.MANJU

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 12.03.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Aggrieved by Ext.P4 warrant of arrest issued by the Kerala State Consumer Disputes Redressal Commission, this original petition has been filed.

2. Heard.

3. As per judgment in C.C.No.75 of 2015, the Kerala State Consumer Disputes Redressal Commission directed the respondents therein to refund Rs.17,99,450/- to the complainant therein, who is the first respondent in this original petition.

4. It is not disputed that the petitioner was not a party in C.C.No.75 of 2015. Ext.P3 judgment in C.C.No.75 of 2015 also did not direct the petitioner to pay any amount. It appears from Ext.P4 that the

warrant of arrest was issued alleging that the petitioner failed to refund the amount ordered in C.C.No.75 of 2015. Since the petitioner was not a party to the said case and no direction was issued to the petitioner in Ext.P3 judgment, the Kerala State Consumer Disputes Redressal Commission was not justified in issuing Ext.P4 warrant of arrest against the petitioner. Consequently, Ext.P4 cannot be sustained.

In the result, this Original Petition stands allowed and Ext.P4 warrant of arrest against the petitioner stands set aside.

Sd/-

B.SUDHEENDRA KUMAR

JUDGE

RK/12.03.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF AGREEMENT DATED 25/9/2010 EXECUTED BETWEEN PARVATHI J. AND KRISTAL INFRASTRUCTURE LIMITED.
EXHIBIT P2	TRUE COPY COMPLAINT FILED BY 1ST RESPONDENT BEFORE THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.
EXHIBIT P3	TRUE COPY JUDGMENT DATED 31/10/15 IN C.C.75/2015 OF THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.
EXHIBIT P4	TRUE COPY ARREST WARRANT ISSUED IN E.A.NO.38/17 IN C.C.75/2015 BY THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.
EXHIBIT P5	TRUE COPY PETITION TO RECALL THE WARRANT FILED BY THE PETITIONER BEFORE THE HON'BLE STATE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.
EXHIBIT P6	PHOTOCOPY OF THE ORIGINALS SUIT NO.81/2019.
EXHIBIT P7	PHOTOCOPY OF THE ORDER IN I.A. NO.1408/2019 C.C.NO.75/2015 DT. 30.04.2019 OF THE CONSUMER DISPUTES REDRESSAL COMMISSION, THIRUVANANTHAPURAM.

RESPONDENT'S/S EXHIBITS:NIL