

Hakeem Vs. State of Kerala

Hakeem Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1130565

Court : Kerala

Decided On : Feb-17-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Hakeem

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH MONDAY, THE17H DAY OF FEBRUARY201428TH MAGHA, 1935 OP(C).No. 495 of 2014 (O) ----- AGAINST THE

ORDER

/

JUDGMENT

IN IA34382012 of SUB COURT, OTTAPPALAM DATED2901-2014 PETITIONER ----- VIJAYAKUMAR.A.T, AGED47YEARS, S/O. LATE KUNNATH NARAYANAN, MUNDAMUKA AMSOM, PARUTHIPRA DESOM, OTTAPPALAM TALUK, PALAKKAD DISTRICT, CONVENOR , VEERAMANI DEPOSITORS COMMITTEE BY ADV. SRI.L.RAJESH NARAYAN RESPONDENT(S): ----- 1. R.VEERAMANI, S/O. A.S.K RAMA IYER, VEERAMANI BUILDING, NETHIRIMANGALAM AMSOM OTTAPALAM -679101 2.

G.GOPINATH, S/O. LATE K.K GOPAL, KATTILMEDU, KOONATHARA , OTTAPALAM -679534 3. AMBIKA , D/O. UNNIKRISHNAN, AMRUTHA, MULLURKARA DESOM, OTTAPALAM -679101 4. M.K KUNHILAKSHMI AMMA, W/O. GOPALAN NAIR, MULLEKKAL, KATTALATH HOUSE, KALLADIPATTAAMSOM, OTTAPALAM -679313 5 SHAMEEM, S/O. LATE ABOOBACKER, PLAKKA, PARAYAGAT, KARIKKAD P.O, AKKIKAVU6 K.M NANIKUTTY,W/O. G.GOPINATH, KATTILMEDU , KOONATHARA, OTTAPALAM -679534 OP(C).No. 495 of 2014 (O) -2- 7. K. DAMODARAN NAIR, S/O LATE KARUNAKARAN NAIR, KOOTTATTIL HOUSE, MALESAMANGALAM PO, THIRUVILWAMALA-679523 8. V. NARAYANAN NAMBEESAN, S/O. LATEVASUDEVAN NAMBEESAN SREESADAN, KUNDANUR , VADAKANCHERRY- 678699 9. DEVARAJAN .V, S/O. RAGHAVAN, SWAPNA V.S., W/O. DEVARAJAN,VELLATUVALAPPIL HOUSE,SOUTH BAZAR, KUTTIPURAM P.O-679513 10. M. UNNIKRISHNAN, S/O. LATET. MADHAVAN NAIR, MADHAVAM, MARUTHUR P.O, PATTAMBI -679512 .

11. PARAMESWARAN KORAPPATH, S/O. LATE V.C NAIR LAKSHMI SOBHA, MALESAMANGALAM P.O, THIRUVILWAMALA -679523 12. AJITH , S/O. LATE K. RAMACHANDRAN NAIR, SREEPADAM , NADUVATTOM, PATTAMBIL - 679313 13. P. BALASUBRAHMANYAN, S/O. P. KARUNAKARAN NAIR, PALLIYIL HOUSE, KUDAPPALLUR P.O , PALAKKAD -679502 14. A. DINESHKUMAR, S/O. T.M PANKAJAKSHAN NEDUNGANDI, AYYAPATHU VINAYAKAM, VARODE, OTTAPAALAM-679101 15. C.V. RADHAKRISHNAN NAMBIAR, S/O. T.K KUTTYKRISHNAKURUPU, VELLATHERI HOUSE, KATTUKAMBAL-679313 16. A. SABITH DEVI, W/O. T.M PANKAJAKSHAN NEDUNGADI,, AYYAPATHU VINAYAKAM, VARODE , OTTAPALAM -679313 17. M. RAJEENA, W/O. ANWAR,KUNNUMAL HOUSE, THAZEPALAM -688523 18. K. NADEERA, W/O. SAID FAISAL, MOLATH HOUSE, THAZHATHANGADI, AREECODE P.O-679504 19. K. ALI, S/O. AHAMMED, KUNIKKATH HOUSE, S.M ROAD, CHEMMAD, TIRURANGADI -679534 20. K.P HASIYA, W/O. ASHRAF, AYISHA MANZIL, ORAKKAMURI P.O-679532 OP(C).No. 495 of 2014 (O) -3- 21. N. MOHANAKRISHNAN, S/O. JANAKI AMMA, NARREKAD AYODHYA, KIZHAKKUMPURAM, MANNUR, PALAKKAD22 C.V RAVEENDRAN, S/O. BHARGAVI AMMA, PULARI, VADAKKAMPURAM, ARVAKKAD, OTTAPALAM -

679313 23. G. VASU, S/O. SANKARAN, SANTHI VASU, W/O. G. VASU, POOJA NIVAS, KARTHALA, VALANCHERY 24 C.N BHATTATHIRIPAD, S/O. SREEDHARAN BHATTATHIRIPAD, CHAMMANGATTU MANA, KALPAKA STREET, PATTAMBI*- 679313 25. BABY VANAJA , D/O. LATE PANKAJAKSHAN NEDUNGADI AYYAPPATHU VINAYAKAM, VARODE, OTTAPALAM -679313 26. C.B KRISHNANKUTTY, S/O. LATE AMBUJAKSHY AMMA, CHANGARATH HOUSE, CHERUTHURUTHY -680001 27. V.N DEEPA, D/O. C.B KRISHNANKUTTY, CHANGARATH HOUSE, CHERUTHURUTHY -680001 28. BINU GEORGE.M, D/O. GEORGE KURIYAN, BHINYA NO.6/198 HOSPITAL JUNCTION, KUNDARA -691001 29. P.J ALIAMA , W/O. GEORGE KURIYAN, BHINYA NO.6/198, HOSPITAL JUNCTION, KUNDARA -695001 30. K. NARAYANAN NAIR, S/O. NARAYANA KURUPPU POORNIMA, CHERPLACHERY -679502 31. GEORGE KURIAN, S/O. KURIAN, BHINYA NO.6/198 HOSPITAL JUNCTION, KUNDARA -691001 32. BINDYA GEORGE, D/O. GEORGE KURIAN, BHINYA NO.6/198, HOSPITAL JUNCTION, KUNDARA -691001 33. MAYADEVI, D/O. SABITHA DEVI, AYYAPATHU VINAYAKAM, VEETAMPARA, OTTAPALAM -679313 34. P.B SAMBU, S/O. P.B SAMBU EMBRANTHIRI, M.V. NIVAS, MATHUR MANA ROAD, THOTTAKARA, OTTAPALAM -679313 35. VIJALAKSHMI PARAMESWARAN, M.V NIVAS, MATHUR MANA ROAD, THOTTAKARA, OTTAPALAM -679313 OP(C).No. 495 of 2014 (O) ----- -4- 36. K. JOSE , S/O. JOHN. T. KARIMPALIL, THENHIPALAM, CALICUT -678630 37. K. RADHAKRISHNAN, S/O. LATE ITTAMAN NAIR, RADHIKA PARUTHIPRA, MUNDAMUKA , SHORANUR -679313 38. U. SARALA, REP.BY power OF ATTORNEY HOLDER K. RADHADRISHNAN RADHIKA, PARUTHIPRA, MUNDAMUKA , SHORANUR 39 JOHN THOMAS, S/O. P.T THOMAS, RTD TEACHER, MASOOR APARTMENT, KOOTANADU -688001 40. K. SIVARAMAN, S/O. LATE KARUPPAN, NELLITHODI HOUSE, FEROKE , CALICUT-678633 41. O. VINOD KUMAR, S/O. NARAYANAN NAIR, OLAYUMMAL HOUSE, ATHOLIL, CALICUT -678633 42 UNNI EMBRANTHIRI, S/O LATE . J.

NARAYANAN EMBRANTHIRI, JALAMANA , ALIPARAMBU, PERINTHALMANNA -679523 43. C.K SAROJINI, D/O. JANAKI AMMA, NALINI NIVAS, MELALKKAM, MANJERI -679523 44. K. SOMAN, S/O. ACHUTHAN, GARUDAN KAVU NILAM

WEST HILL, CALICUT-678633 45. K.P.R. MENON, S/O. LATE KOZHIPURATH
GOPALA MENON PULASSERI , OTTAPALAM -679313 46. SANKARANKUTTY
MENON, S/O. PANKUNNI MENON. VATTEKKADU DESOM, MELATTUR
VALAPPIL KOOTANADU AMSOM, OTTAPALAM -679313 47. MRS. NALINI
GOPINATH, D/O. SANKARANKUTTY MENON, VATTEKKADU DESOM ,
MELATTUR VALAPPIL, KOTTANADU AMSOM , OTTAPALAM -679313 48.
GOPINATHA MENON, S/O. KUNHILAKSHMI AMMA, VATTENADU P.O,
KOTTANADU, OTTAPALAM -679313 OP(C).No. 495 of 2014 (O) -5-
----- 49. T.PSANTHAKUMARI AMMA, D/O. AMMU AMMA,
MALADI, THOTTAPAZHA , THIRUMITTAKKODU50 A. SIVADASAN,S/O.
GUPTAN NEELAKANDAN, AZHAKATH HOUSE, KANNIYAMPURAM AMSO,
THOTTAKARA DESOM, OTTAPALAM -679313 51. K.P PADMAVATHY, W/O. A
SIVADASAN,AZHAKATH HOUSE, KANNIYAMPURAM AMSOM, THOTTKARA
DESOM, OTTPALAM -679313 52. K.K KUTTAN,VALLORE,PATTAMBI-679313
53. RADHA GOPI, S/O. O.K RADHAKRISHNAN, GAYATHRI HOUSE,
THRIKKANGODE AMSOM, VANIYAMKULAM II VILLAGE, OTTAPALAM -679313
54. THANKAM NARENDRAN, D/O. MULLAKAL KATTALATH AMMINI AMMA ,
MAYANNUR VILLAGE, THALAPPILY TALUK -679523 55. BHARATHY, W/O.
RAMACHANDRAN, SREEKRSHNA BHAVAN , VALLAPUZHA VILLAGE ,
CHERUKODE P.O -679523 THIS OP (CIVIL) HAVING COME UP FOR
ADMISSION ON1702-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: OP(C).No. 495 of 2014 (O) ----- APPENDIX
PETITIONERS EXHIBITS EXT.P1 COPY OF THE

ORDER

DATED291-2014 IN I.A NO.3438/2012 IN I.P12010 ON the FILE OF THE
HONOURABLE SUB COURT, OTTAPALAM EXT.P2 COPY OF THE

JUDGMENT

DATED59-2013 IN O.P.C NO.2937/2013 RESPONDENTS EXHIBITS NIL TRUE
COPY P.A TO JUDGE SMM V.CHITAMBARESH,J.

= = = = = O.P.(C) No.495 of 2014 = = = = =
Dated this the 17th day of February, 2014

JUDGMENT

The court below was perfectly justified in not permitting an unregistered association to come on record representing the cause of creditors. The court below has however permitted the convenor of the Association to represent those creditors on the basis of a power of attorney lawfully executed. All that the petitioner (claiming to be convenor of the Association) prays is for a breathing time to produce the power of attorney in the insolvency proceedings pending in the court below.

2. I grant time till 15-3-2014 to enable the petitioner to obtain power of attorney from the creditors and seek to come on record on their behalf. The application for impleading on the basis of such power of attorney (if produced) shall be dealt with by the court below in accordance with law. The Original Petition is disposed of.
V.CHITAMBARESH JUDGE smm 2 3

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