

(2010) 08 KL CK 0105

In the High Court Of Kerala

Case No : Writ Petition (C) No's. 3075 and 3112 of 2009

Abdul Nasar

APPELLANT

Vs

Sereena @ Shereena and Another

RESPONDENT

Date of Decision : 18-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0105

Hon'ble Judges : R. Basant, J;M.C. Hari Rani, J

Bench : Division Bench

Advocate : Sunny Mathew, for the Appellant; No Appearance, for the Respondent

Judgement

R. Basant, J.—The learned Counsel for the petitioner submits that full satisfaction having already been recorded in E.P. Nos. 28 & 29 of 2008 in O.P. No. 482 of 2004 by the Family Court, Kozhikode, these Writ Petitions have now become infructuous and they may be dismissed as not pressed. Request is accepted.

2. These Writ Petitions are accordingly dismissed as not pressed.

I.A. No. 10832 of 2010 in W.P.(C) No. 3075 of 2009

This petition is for return of an amount of Rs. 10,000/- (Rupees Ten thousand only) which was deposited by the petitioner herein before the court below to comply with the directions of this Court dated 30.01.2009. The said amount of Rs. 10,000/- is lying in court deposit, it is submitted. The relevant E.P has already been closed recording full satisfaction, it is further submitted. An application filed by the petitioner for return of the said amount of Rs. 10,000/- after dismissal of the E.P has been rejected by the court below on the ground that this Court had not directed return of amount, it is submitted. The Writ Petitions have been dismissed today as not pressed.

3. We do, in these circumstances, direct the court below to return the amount of Rs. 10,000/- (Rupees Ten thousand only), if such amount is in deposit as per the order dated 30.01.2009 passed by this Court and if in the E.P full satisfaction has

already been recorded without giving credit to this amount of Rs. 10,000/-. In that even the amount shall forthwith be returned to the Writ Petitioner by the Family Court.