

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23361 of 2007(F)

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OS.2065/1996 of MUNSIF COURT, TIRUR  
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PETITIONER:

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M/S. KERALA STATE DETERGENTS &  
CHEMICALS LIMITED, KUTTIPURAM,  
MALAPPURAM DISTRICT.

BY ADV. SMT.S.KARTHIKA  
SRI.M.R.ANISON  
SMT.K.P.GEETHA MANI  
SRI.M.S.UNNIKRISHNAN

RESPONDENTS:

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M/S. NATIONAL TEXTILE CORPORATION,  
REP. BY ITS GENERAL MANAGER,  
SOMASUNDARAM MILLS ROAD, COIMBATORE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**M.N.KRISHNAN, J.**

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**WP (C) No.23361 OF 2007 F**  
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**Dated this the 31st July, 2007.**

**JUDGMENT**

This writ petition is preferred against the order of the Munsiff, Tirur in E.P.185/01. The said E.P is for realisation of the amount by sale of the property belonging to the writ petitioner. The contention raised by the writ petitioner is to the effect that it is a sick industrial company and as per the provisions of the Sick Industrial Companies (special provisions) Act 1985 no coercive action shall be taken against the company. Though elaborate decisions of law is argued before the court nothing is produced before the court below to show that it has been considered as a sick industrial company. In order to consider whether the provisions of the Act referred to above will apply it is imperative to establish that it is a sick industrial company. No document was produced. Now, along with the writ petition some documents are filed to establish that the BIFR as taken note of the situation. Now it is submitted that the writ petitioner will be in a position to produce the documents to satisfy the conscience of the court to establish that it is a sick industrial company. Therefore, I am inclined to set aside the order passed by the court below and remit back the same for

consideration in the light of the new developments produced before this court. Needless to say that notice should be given to the other side and matter be disposed of in accordance with law, after hearing both sides. Writ petition is disposed of accordingly.

**M. N. KRISHNAN**  
**Judge**

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