

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 30TH JANUARY 2009 / 10TH MAGHA 1930

WP(C).No. 2055 of 2009(T)

IA.66/2007 IN OS.206/2006 of SUB COURT, ALAPPUZHA
.....

PETITIONER:

**PRAMOD.T.P, AGED 27 YEARS,
S/O.PURUSHAN, THAREPARAMBIL,
CHETHY.P.O, ARTHINKAL, ALAPPUZHA.**

**BY ADV. SRI.B.PRAMOD
SRI.GEORGE MATHEWS**

RESPONDENT:

**STATE BANK OF INDIA, AGRICULTURAL
DEVELOPMENT BRANCH, ALAPPUZHA REP.
BY ITS ASST.GEN.MANAGER, ADB, ALAPPUZHA.**

BY SC SRI.K.CHANDRAN PILLAI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/01/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.P. Balachandran, J.

W.P.(C)No.2055 of 2009 T

& I.A.No.1508 of 2009

JUDGMENT

Despite order dated 21.1.2009, directing payment/deposit of Rs.10,000/- towards cost within one week, in modification of the order of the court below to deposit Rupees One lakh towards the decree amount as per the decree passed ex parte, ordering further that in case of failure this writ petition shall stand dismissed and making it clear that on no account shall any extension or enlargement of time be granted for payment/deposit of the said amount of Rs.10,000/-, counsel for the petitioner has filed I.A.No.1508/09 on 30.1.2009, after the expiry of the period, to modify the order dated 21.1.2009, directing payment of cost of Rs.10,000/- as one for deposit before the court below.

2. I fail to understand the request made in the said application when one week's time specified in the order dated 21.1.2009 has expired. The

modification prayed for in I.A.No.1508/09 to the effect that cost is to be directed to be deposited in the court below is a provision which is already there in the order sought to be modified. Further, at the time of arguments, counsel for the petitioner submits that the petitioner is prepared to deposit even Rs.25,000/- towards the decree debt and that it may not be towards cost. Petitioner cannot expect this Court to dance to his tunes.

For non compliance of the order passed in this writ petition on 21.1.2009, this writ petition stands dismissed as per order dated 21.1.2009.

30th January, 2009

(K.P.Balachandran, Judge)

tkv