

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HON'BLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 30TH DAY OF NOVEMBER 2012/9TH AGRAHAYANA 1934

WP(C).No. 25381 of 2004 (V)

PETITIONER(S):

M/S. JAISU SHIPPING CO.PVT.LTD.,  
KEWALRAMANI HOUSE, DINSHAW BUILDING ROAD  
NEAR CUSTOM HOUSE, KANDIA POST (GUJARAT)  
PIN-370 220, REP. BY ITS DIRECTOR  
PRITAM G. KEWALRAMANI.

BY ADVS.SRI.VAKKOM N.VIJAYAN  
SMT.VINITHA PRASANNAN  
SRI.P.ANIYAN  
SMT.RAGAM.K.P.  
SMT.REENA.C.STEPHENSON  
SRI.A.S.SACHIN

RESPONDENT(S):

1. CHAIRMAN, COCHIN PORT TRUST,  
W/ISLAND, KOCHI-9.
2. BOARD OF TRUSTEES, COCHIN PORT TRUST,  
W/ISLAND, KOCHI-9.
3. FA & CAO, COCHIN PORT TRUST,  
W/ISLAND, KOCHI-9.
4. CHIEF ENGINEER, COCHIN PORT TRUST,  
COCHIN-9.

AD.R5 & R6 IMPEADED\*

ADDL R5. MINISTRY OF RAILWAYS,  
UNION OF INDIA, REP. BY ITS SECRETARY.

" R6. ADDL. DIVISIONAL RAILWAY MANAGER,  
SOUTHERN RAILWAY,  
TRIVANDRUM.

\*ADDL.R4 AND R5 ARE IMPEADED AS OPER ORDDR IN I.A.11666/2004 DATED  
25.8.2004.

ADDL R5 & R6 BY ADV. SRI.VARGHESE P.THOMAS, SR.SC,RAILWAYS  
R1-R4 BY ADV. SRI.E.K.NANDAKUMAR

R1-R4 BY ADV. SRI.A.K.JAYASANKAR NAMBIAR  
R1-R4 BY ADV. SMT.PRIYA MAHESH  
R1-R4 BY ADV. SMT.PRIYA MANJOORAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
30-11-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BABU MATHEW P. JOSEPH, J.**

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W.P.(C) No. 25381 of 2004  
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Dated this the 30<sup>th</sup> day of November, 2012

**JUDGMENT**

This Writ Petition is filed challenging Ext.P2 demand issued by the 4<sup>th</sup> respondent. Learned counsel for the 5<sup>th</sup> respondent submits that, after filing this Writ Petition, the 5<sup>th</sup> respondent has filed a civil suit for realising damages from the petitioner. Learned counsel for the respondents 1 to 4 also submits that such a suit is pending. There is no representation for the petitioner.

In view of the fact that the matter has been seized of by the civil court, there is no necessity for keeping this Writ Petition pending. Therefore, without prejudice to the rights of the parties and without going into the merits of the contentions raised, this Writ Petition is dismissed.

Sd/-  
BABU MATHEW P. JOSEPH,  
JUDGE.

krs.