

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

CRP.No. 621 of 2015

OP 1/2012 OF SUB COURT, MUVATTUPUZHA DATED 22-06-2015.

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REVISION PETITIONER(S)/RESPONDENTS 1 AND 3 TO 5:

1. ONAKKOOR SEHIYON CHURCH,
OANAKKOOR KARA, REPRESENTED BY VICAR FR. JOY,
AGED 53, ANAKUZHYYIL HOUSE, KARIKODE KARA,
VELLOOR VILLAGE, VAIKOM TALUK.
2. FR.JOY, AGED 53, ANAKUZHYYIL HOUSE,
KARIKODE KARA, VELLOOR VILLAGE,
VAIKOM TALUK.
3. N.A.DAVID, AGED 53, S/O.ABRAHAM,
RESIDING AT ANADAYAKUNNEL HOUSE,
ONAKKOOR KARA, ONAKKOOR VILLAGE,
MUVATTUPUZHA TALUK.
4. CHINNAN, S/O.ABRAHAM, AGED 58,
KALAPPURAYIL, ONAKKOOR KARA,
ONAKKOOR VILLAGE, MUVATTUPUZHA TALUK.

**BY ADVS.SRI.K.J.KURIACHAN
SRI.SUNIL JACOB**

RESPONDENT(S)/PETITIONERS 1 &2 AND RESPONDENT 2:

1. MATHAI, AGED 75, S/O.MATHEW,
KODAKKAPPILLIL HOUSE, KAKKOOR KARA,
THIRUMARADY VILLAGE, MUVATTUPUZHA.
2. ABRAHAM, AGED 73, S/O.CHACKO,
RESIDING AT PUTHUSSERIL HOUSE, ONAKKOOR KARA,
THIRUMARADY VILLAGE, MUVATTUPUZHA.
3. FR. VIJU ELIAS, AGED 33, S/O.ELIAS, RESIDING AT
THANNIKUZHYYIL HOUSE, THALPANA KARA,
MULANTHURUTHY VILLAGE, KANAYANNOOR TALUK.

BY ADV. SRI.P.MARTIN JOSE

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

C.R.P.No.621 of 2015

Dated this the 23rd day of November, 2015

ORDER

Petitioners are some of the respondents in OP.1 of 2012 on the file of Sub Judge, Muvattupuzha. The OP was filed by the respondents 1 and 2 under Section 92 C.P.C. for permission to institute a suit. By the impugned order the learned Sub Judge has granted the permission. This is challenged.

2. Heard.

3. The only reason stated by the learned Sub Judge to grant the leave is: " It will comes squarely within the ambit of Section 92 of the Code of Civil Procedure". It is very surprising that the order does not contain the reasons for passing it. In fact this is a non speaking order. It appears that the learned Sub Judge did not understand the scope of Section 92 CPC. That may be reason for not discussing the facts which are relevant under Section 92 CPC. The order is liable to be set aside.

In the result this C.R.P is allowed. The impugned

order is set aside. The learned Sub Judge is directed to reconsider the matter and to pass an order on merits. The OP shall be disposed of without delay.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge