

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. 629 of 2015

IA.285/2015 IN OS.94/2010 OF SUB COURT, MOOVATTUPUZHA

REVISION PETITIONER(S)/PETITIONERS:

1. FR. MATHEW, AGED 61 YEARS
S/O.MATHAI, CHEMMANAPPADATHU HOUSE, MARIKA KARA
PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK.
2. ISSAC ABRAHAM, AGED 61 YEARS
S/O.ABRAHAM, ETHUNKACHALIL HOUSE, VAZHITHALA KARA,
MANAKKADU VILLAGE, THODUPUZHA TALUK.

BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA

RESPONDENT(S)/DEFENDANTS:

1. ST.THOMAS ORTHODOX SYRIAN CHURCH,
MARIKA KARA, PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK,
REPRESENTED BY ITS VICAR, PIN-686161.
2. FR.JOY THOMAS,
S/O.THOMAS, MUTTATHUTHATTEL HOUSE, KARIKODU KARA,
MULAKULAM VILLAGE, VAIKOM TALUK, PIN-688610.
3. BASELIOUSL THOMAS-I,
PATRIARICAL CENTRE, PUTHENCROUZ-682308.
4. MATHEWS MAR IVARIOUS,
BASELIOUS PAULOSE-II CENTRE, KADAKKANADU P.O.,
KOLENCHERRY-682311.
5. FR.BINU SKARIA
S/O.SKARIA, KOZHICKOTTU HOUSE, VADAKARA KARA
KOOTHATTUKULAM VILLAGE-688662.

CRP No. 629 of 2015

6. MATHAI,
S/O.CHACKO, MANGALASSERIL HOUSE, MARIKA KARA
PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK, PIN-686661.
7. BABY,
S/O.PAILY, KARIKULATHIL HOUSE, VAZHITHALA KARA,
PARAPPUZHA VILLAGE, THODUPUZHA TALUK, PIN-685589.
8. K.A.MANIKUNJU,
S/O.ALIAS, KARAKKATTU PUTHENPURAYIL HOUSE,
MARIKA DESOM, PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK,
PIN-685661.
9. M.J.SAIMON,
S/O.JOHN, MANGALASSERIL HOUSE, MARIKA DESOM,
PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK, PIN-686661.
10. K.M.BABU,
S/O.MARKOSE, KARTHANIKKATTU HOUSE, MARIKA DESOM,
PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK, PIN-686661.
11. BOBBY SKARIA,
S/O.SKARIA, KOCHU PADINJAREKARAYIL HOUSE, MARIKA DESOM,
PALAKUZHA VILLAGE, MUVATTUPUZHA TALUK, PIN-686661.
12. K.M.BABY,
S/O.MATHEW, KURISUMGAL HOUSE, VAZHITHALA DESOM,
MANAKKAD VILLAGE, PIN-685584.

R7 BY ADV. SRI.K.M..VARGHESE (CAVEATOR)
R7 BY ADV. SRI.PETER K.ALIAS

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

PJ

K. ABRAHAM MATHEW, J.

C.R.P.No.629 of 2015

Dated this the 23rd day of November, 2015

ORDER

Petitioners are the plaintiffs in OS.94 of 2010. The plaint was rejected by the learned Sub Judge on the ground that they failed to produce the original of the document on which they relied on. This is challenged.

2. Heard.

3. I have not come across any provision under which a plaint can be rejected on the ground of non production of an original document relied on by the plaintiffs. Order 7 Rule 11 CPC does not permit such rejection. Learned counsel for the respondents relies on Order 7 Rule 14 CPC in support of his argument that the plaint was rightly rejected. I cannot agree. The consequence of non production of a document is given in the rule itself. In any view of the matter, the impugned 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 take back the plaint on file and allow the petitioner to proceed with the suit.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge