

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

CRP.No. 664 of 2014

JUDGMENT DATED 22-09-2014 IN CMA 131/2013 OF IV ADDITIONAL DISTRICT COURT,
THRISSUR

.....

REVISION PETITIONER(S)/APPELLANT/PETITIONER/PLAINTIFF:

JAGADEESH CHANDRAN, AGED 46 YEARS,
S/O.MULLAPPILLY AMMINIKUTTY AMMA,
ARATTUPUZHA VILLAGE AND DESOM,
THRISSUR TALUK AND NOW RESIDING AT 'RAJEEVAM',
FRIENDS AVENUE, KUMARANASAN NAGAR, VYTTILA,
COCHIN - 682 019.

BY ADV. SRI.R.SREEHARI

RESPONDENT(S)/RESPONDENTS/RESPONDENTS/DEFENDANTS:

1. MINI, AGED 46 YEARS,
W/O.LATE KATTANI PRABHAKARAN & D/O.AMMINIKUTTY AMMA,
KATTANI HOUSE, PANTHOD DESOM, KANJANI VILLAGE AND POST,
THRISSUR TALUK, PIN-680 612.
2. AMMINIKUTTI AMMA @ PARVATHY AMMA, 76 YEARS,
D/O.MULLAPPILLY LAKSHMI AMMA, MULLAPPILLY HOUSE,
ARATTUPUZHA VILLAGE, DESOM AND POST, THRISSUR TALUK,
PIN-680 562.

BY ADVS. SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
26-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

P.BHAVADASAN, J.

C.R.P. No. 664 of 2014

Dated this the 26th day of February, 2015

ORDER

Aggrieved by the order dated 22.09.2014 in C.M.A.No. 131/2013, the appellant before the court below has come up in revision before this Court under Section 115 of C.P.C..

2. Shorn off unnecessary details, the petitioner instituted a suit for partition and it so happened that the suit was dismissed for default. The petitioner filed a restoration application with a petition to condone the delay of three days in filing the said petition. Unfortunately, that was dismissed and the restoration application was also dismissed. The petitioner carried the matter in appeal as C.M.A.No. 113/2013. The court below dismissed the C.M.A. holding that there were no grounds to interfere with the order of the court below.

3. It is quite unfortunate that the courts below should cling onto technicalities rather than be concerned of doing

justice to the parties. The court below ought to have remembered that the suit is one for partition. The rights of parties are seriously affected. The suit ought to have been restored and had it been tried, it would have been over by now. Unnecessarily, the parties have been made to move from court to court.

4. For the above reasons, this Civil Revision Petition is allowed and the impugned order is set aside. The trial court is directed to restore the suit on file and dispose it of within a period of four months from the date of appearance of the parties before the court below.

Parties shall appear before the trial court on **24.03.2015.**

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge