

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

FAO.No. 307 of 2012 ()

AGAINST THE ORDER IN I.A.NO.3323/2006 & 3324/2006 IN OS 265/2000 of
PRL.SUB COURT, THIRUVANANTHAPURAM DATED 12-04-2012

APPELLANTS/PETITIONERS/DEFENDANTS 1 AND 2:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
IRRIGATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER
ADDITIONAL IRRIGATION DIVISION, THRISSUR.

BY GOVERNMENT PLEADER SRI.K.K.SAIDALAVI

RESPONDENT/COUNTER PETITIONER/PLAINTIFF:

R. JAYADEVAN
CONTRACTOR, SANTHINIKETHAN, CHIRAKKAL.P.O
KANNUR PIN 670011

BY ADV. SRI.AJITH KRISHNAN

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

F.A.O.No.307 OF 2012

Dated this the 9th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is from the order in I.A.No.3323/2006 in O.S.No265/2000 of the Principal Subordinate Court, Thiruvananthapuram. By the impugned order, an application to set aside the ex parte decree and to condone the delay in filing the said application have been dismissed by the court below.

2. The learned counsel for the respondent submitted that the appeal ought to have been filed before the District Court, Thiruvananthapuram, since the valuation is only Rs.1,09,988/-

3. We have gone through the copy of the decree, going by which O.S.No.265/2000 was filed on 14.6.2000. The Kerala Civil Courts (Amendment) Act, 1996 came into force as per Kerala Gazette Extra. No. 476, dated 27.3.1996. Going by the amendment to Section 13, instead of the words “twenty five thousand rupees”, the words “two

lakhs rupees” have been added.

4. In that view of the matter, appeals upto the said valuation will have to be filed before the District Court itself. At this stage, the learned Government Pleader sought for an opportunity to refile the case before the District Court. We therefore direct the Registry to return the memorandum of appeal along with the documents and grant two months' time for the appellant to re-present it before the District Court, Thiruvananthapuram.

The appeal is accordingly disposed of.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH, JUDGE

SV.