

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 19372

OP(C).No. 3507 of 2012 (O)

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AGAINST THE ORDER IN IA NO.4797/2011 IN OS NO. 627/2010 of PRINCIPAL SUB  
COURT,IRINJALAKUDA

PETITIONER(S):

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AJIMON, AGED 39 YEARS  
S/O.MANIKKUTTAN, VALUPARAMBIL THEKKETHIL HOUSE  
ARUNOOTTIMANGALAM DESOM, VETTIYAR VILLAGE  
MAVELIKKARA.

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

RESPONDENT(S):

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(\*) LIJO GEORGE, AGED 31 YEARS  
S/O.GEORGE, CHIRAKKAL HOUSE, PARIYARM VILLAGE  
PARIYARAM DESOM, MUKUNDAPURAM TALUK, PIN 691585.

(\*)ADDRESS OF RESPONDENT IS CORRECTED AS  
LIJO GEORGE, AGED 31 YEARS, S/O.GEORGE,  
CHIRAKKAL HOUSE, PARIYARAM VILLAGE,  
PARIYARAM DESOM, MUKUNDAPURAM TALUK  
REPRESENTED BY HIS POWER OF ATTORNEY  
HOLDER GEORGE CHIRAKKAL, C/O.JOSEPH,  
MENOTH HOUSE, PARIYARAM P.O., CHALAKKUDY,PIN 680 721  
AS PER ORDER DATED 30.08.2013 IN IA NO.11530/2013 IN OP(C) 3507/2012.

BY ADV. SMT.AMBILY (PREMKUMAR)

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 25-05-2015, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:

OP(C) NO.3507/2012

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 A TRUE COPY OF THE ORDER IN OS 351/2009 DATED 20.09.2010

EXT.P2 A TRUE COPY OF THE APPLICATION DATED 23.08.2011

EXT.P3 A TRUE COPY OF THE ORDER DATED 8.3.2012 IN IA NO.4797/2011 IN OS 627/2010

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

**A.HARIPRASAD, J.**

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**O.P.(C) No.3507 of 2012**  
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**Dated this the 25<sup>th</sup> day of May, 2015**

**JUDGMENT**

Heard the learned counsel for the petitioner. The challenge in this original petition is against Ext.P3 order. Suit filed by the petitioner was rejected by the court below as per Ext.P1 order for non-payment of balance court fee. Petitioner filed an application before the trial court under Order 47 Rule 1 of the Code of Civil Procedure (in short, "CPC") seeking review of Ext.P1 order rejecting the plaint for non-payment of balance court fee. On the date of rejection of the plaint, the trial court dismissed another application for enlargement of time for reception of balance court fee. Now there is a decree passed by the court below on the basis of rejection of the plaint under Order 7 Rule 11 CPC. The remedy of the petitioner is to approach the appellate forum with a regular appeal. Therefore, the original petition has become infructuous. Hence, it is disposed with liberty to the petitioner to approach the appropriate forum for redressal of his grievance.

**A. HARIPRASAD, JUDGE.**

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