

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

OP(C).No. 49 of 2015 (O)

OS 198/2008 OF MUNSIF COURT, RANNI

PETITIONER :

P.C.ABRAHAM,
S/O. CHACKO, PARATHODUKIZHAKKETHIL HOUSE
KOTTANGAL P.O., KOTTANGAL VILLAGE, MALLAPPALLY TALUK
REPRESENTED BY POWER OF ATTORNEY HOLDER M.K.MATHEW
AGED 62 YEARS, S/O. MATHEW KURIAN, MELEKOTTUMALAYIL HOUSE
KALLOOPPARA P.O., MALLAPPALLY TALUK.

BY ADV. SRI.UNNI K.K. (EZHUMATTOOR)

RESPONDENT :

V.N.RAJAPPAN
S/O. NARAYANAN, KOOVAPPALLIL (POOVAPLAVIL) HOUSE
KOTTANGAL P.O., KOTTANGAL VILLAGE
MALLAPPALLY TALUK-689587.

BY ADVS. SRI.V. SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 10-12-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 49 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: A TRUE COPY OF THE PLAINT IN OS NO.198/2008 ON THE FILE OF THE MUNSIF COURT RANNY, WHICH WAS ORIGINALLY FILED AS O.S.NO.127/2004 BEFORE THE MUNSIF COURT, THIRUVALLA.
- EXHIBIT P2: TRUE COPY OF THE WRITTEN STATEMENT OF THE DEFENDANTS NO.4 AND 5.
- EXHIBIT P3: TRUE COPY OF THE PETITION I.A.NO.306/2014 FILED BY THE PETITIONER.
- EXHIBIT P4: TRUE COPY OF THE PETITION IN IA NO.1837/2014.
- EXHIBIT P5: TRUE COPY OF THE PETITION IN IA NO.1838/2014.
- EXHIBIT P6: TRUE COPY OF THE ORDER OF THE MUNSIF COURT DATED 11.12.2014 IN I.A.NO.1838/2014.
- EXHIBIT P7: TRUE COPY OF THE ORDER IN I.A.NO.1837/2014 DATED 11.1.2014.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

O.P.(C)No. 49 of 2015

Dated this the 10th day of December, 2015

J U D G M E N T

Petitioner is the plaintiff in OS.198 of 2008 of Munsiff Court, Ranni. The suit is for a direction to correct some mistakes that have crept into the resurvey records. When the suit was instituted the State and its officers were parties to the suit. But for some reasons they were removed from the party array at the request of the petitioner. Now the prayer is to implead them as additional defendants. The learned Munsiff has dismissed the impleading application.

2. Heard.

3. I have no doubt that on the pleadings the State and its officers are necessary parties. It is not known what prompted the petitioner to remove them from the party array. The suit was instituted in 2004. It once dismissed for default and restored to file after more than three years. So the pendency of the suit has caused much hardship to the respondents. As the State and its officers

are necessary parties, I am inclined to allow the impleading application so that there shall not be any miscarriage of justice. But the petitioner has to pay heavy costs.

In the result, this OP is allowed. The impugned order will stand set aside if the petitioner pays the respondents Rs.10,000/- (Rupees ten thousand only) within two weeks from today. If the payment is not made and memo filed in the trial court, the impugned order will stand confirmed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge