

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

OP(C).No. 58 of 2015 (O)

O.S.NO.355/2011 OF MUNSIFF'S COURT, NORTH PARAVOOR

PETITIONER(S) :

**SAJINI, AGED 46 YEARS,
W/O. LATE NANDAKUMAR, MADATHUMPADIKKAL HOUSE,
VALLUVALLY KARA, KOONAMMAVU, NORTH PARAVOOR,
ERNAKULAM.**

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENT(S) :

**BABY,
D/O.RAVUNNI, MADATHUMPADIKKAL HOUSE, VALLUVALLY KARA,
KOONAMMAVU, NORTH PARAVOOR, ERNAKULAM- 683 141.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 09-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 58 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 : TRUE COPY OF THE PETITION DATED 17.12.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 58 of 2015

Dated this the 09th day of January, 2015

J U D G M E N T

The limited prayer in this original petition though is for issuance of a carbon copy at the time of hearing, the learned counsel for the petitioner pointed out that this Court may direct the court below to issue certified copy of the order on Ext.P1 application so as to enable the petitioner to challenge the same before the appropriate forum.

2. The petitioner is the defendant in O.S.No.355/2011 before the Munsiff Court, North Paravur. The suit was listed for trial. On the day on which the trial started, according to the petitioner, she was waiting outside the court and though the name was called, she did not hear the same and she happened to be set exparte. Soon she filed a petition to set aside the exparte order and when that petition came up for consideration, unfortunately for the petitioner, the counsel who was entrusted for making a submission did not make

the submission and that petition happened to be dismissed. That necessitated the filing of Ext.P1 petition. Again, unfortunately for the petitioner, that was also dismissed.

3. The petitioner points out that there was no willful laches or negligence on her part in not attending the case for on all the days when the case was posted, she was in court. Even assuming that there has been some laches on the part of the counsel concerned, the petitioner ought not have denied the opportunity to cross examine the plaintiff.

4. Whatever that be, know that the petition, recalling the plaintiff for cross examination has been dismissed, the petitioner has to seek appropriate remedies before the appropriate forum.

5. In the nature of order that is proposed to be passed, it is felt that notice to the respondent is not necessary.

This petition is disposed of directing the Munsiff Court, North Paravur to issue certified copy of the order on Ext.P1

application which was one for recalling the plaintiff for cross examination, as expeditiously as possible, at any rate, within a period of one week from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge