

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. 62 of 2015 (O)

AGAINST THE JUDGMENT IN OS 17/2011 of MUNSIF COURT, MAVELIKKARA

PETITIONER(S):

**PARUKUTTY AMMAL AGED 74 YEARS
W/O. PARAMESWARAN PILLAI,
VISWA BHAVANAM, PONAKAM MURI,
THEKKEKARA VILLAGE, MAVELIKKARA,
ALAPPUZHA DISTRICT 690 101.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

- 1. INDIRAMMA, W/O.KRISHNA PILLAI, MANJADIYIL VEEDU,
PONAKAM MURI, THEKKEKARA VILLAGE, MAVELIKKARA P.O.,
ALAPPUZHA DISTRICT 690101.**
- 2. KRISHNA PILLAI, MANJADIYIL VEEDU, PONAKAM MURI,
THEKKEKARA VILLAGE, MAVELIKKARA P.O.,
ALAPPUZHA DISTRICT 690101.**
- 3. SUNIL KUMAR, S/O. KRISHNA PILLAI, MANJADIYIL VEEDU,
PONAKAM MURI, THEKKEKARA VILLAGE,
MAVELIKKARA P.O., ALAPPUZHA DISTRICT 690 101.**

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

OP(C).No. 62 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE PLAINT IN O.S.NO.17/2011 ON THE FILE OF THE MUNSIFF COURT, MAVELIKKARA**
- EXHIBIT P2 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENTS IN O.S. NO.17/2011 ON THE FILE OF THE MUNSIFF COURT, MAVELIKKARA O.S.NO.17/2011**
- EXHIBIT P3 : TRUE COPY OF THE I.A. NO.2710/2014 IN O.S. NO.17/2011 ON THE FILE OF THE MUNSIFF COURT, MAVELIKKARA.**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

P.BHAVADASAN, J.

O.P.(C) No. 62 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 is for a direction to the Munsiff Court, Mavelikkara to adjourn the case for trial so as to enable the petitioner, who is far too advanced in age, to give a power of attorney to her son to conduct the case on her behalf. It is further averred that her son is a Police Constable by profession and undergoing duty at Sabarimala and he has not able to return before the end of Makaravilakku season.

2. It is pointed out that Ext.P3 petition was filed as early as on 19.12.2014 pointing out the above facts and even thereafter, the court below after hearing, posted the case to 12.01.2015. The petitioner pointed out that her son will not be able to return at any rate, before the end of this month and if that be so, she will not be able to authorize him to give evidence. This has become necessary according to

the petitioner because she is far too advanced in age and frequently falls ill. She is unable to travel to the court to attend the case when it is posted for trial. It was under these circumstances, this prayer was made.

3. It could not be said that the petition was moved after the suit was listed for trial. The petitioner had appraised the court of the difficulties she is facing and the necessity for authorizing her son to give evidence on her behalf. She had also mentioned about her inability to execute the deed immediately for the reason that her son was on Sabarimala duty as Police Constable.

4. In all fairness, the court below should have taken note of the above fact and should have given breathing time to the petitioner to enable her to authorize her son to give evidence who on authorization will be able to be present before the court for giving evidence.

For the above reason, this original petition is disposed of with a direction to the Munsiff Court, Mavelikkara to

remove the case from the list for trial scheduled to be held on 12.01.2015 and list in the month of March.

**P.BHAVADASAN
JUDGE**

ds