

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

OP(C).No. 107 of 2015 (O)

(I.A.NO.14/2015 IN OS.NO. 74/2012 OF SUB COURT, KOCHI)

PETITIONER/PETITIONER/PLAINTIFF:

**GEETHA, W/O LATE VIVEKANANDAN, AGED 52 YEARS,
CC NO.18/181, KALATHIL HOUSE, PALLURUTHY, KOCHI-6.**

**BY ADVS.SRI.C.P.SAJI
SMT.P.DEEPA MOHAN**

RESPONDENTS/RESPONDENTS/DEFENDANTS:

- 1. RAVI VARMA, AGED 48 YEARS,
S/O KARUNAKARAN, RESIDING AT KANAKKAMPARAMBIL HOUSE,
C.C.19/292, PALLURUTHY, KOCHI-2.**
- 2. VIDYA, AGED 44 YEARS,
W/O JOSHI, RESIDING AT NJARAKKAL PARAMBIL,
PERUMCHERRI DESOM, PALAKKAL VILLAGE, AVINISSERI P.O.,
THRISSUR DISTRICT, PIN:680 306.**
- 3. SURAJ, AGED 39 YEARS,S/O KARUNAKARAN,
KANAKKAMPARAMBIL HOUSE, C.C.19/292,
PALLURUTHY, KOCHI-2.**
- 4. MR. SUNIL KUMAR,S/O PADMANABHAN, AGED 47 YEARS,
KANAKKAMPARAMBIL HOUSE, C.C.19/292,
PALLURUTHY, KOCHI-2.**
- 5. RANI, W/O.RAVI VARMA, KANAKKAMPARAMBIL HOUSE,
C.C.19/292, PALLURUTHY, KOCHI-2.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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OP(C).No. 107 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PLAINT DATED 9.4.2012 IN OS NO.74/2012 FILED BY THE PETITIONER BEFORE SUB COURT, KOCHI.
- EXHIBIT P2: TRUE COPY OF THE WRITTEN STATEMENT DATED 28.9.2012 FILED BY THE 1ST AND 5TH RESPONDENTS IN O.S.NO.74/2012 BEFORE THE SUB COURT, KOCHI.
- EXHIBIT P3: TRUE COPY OF THE WRITTEN STATEMENT DATED 7.3.2014 FILED BY THE 3RD RESPONDENT IN O.S.NO.74/2012 BEFORE THE SUB COURT, KOCHI.
- EXHIBIT P4: TRUE COPY OF THE COMMISSION APPLICATION IN I.A.NO.14/2015 DATED 1.1.2015 IN OS NO.74/2012 FILED BY THE PETITIONER BEFORE SUB COURT, KOCHI TO APPOINT ADVOCATE COMMISSIONER.
- EXHIBIT P5: TRUE COPY OF THE APPLICATION IA NO.8/2015 FOR CALLING FOR THE DOCUMENTS FROM THE MUNSIFFS COURT, DATED 1.1.2015 FILED BY THE PETITIONER BEFORE SUB COURT, KOCHI.
- EXHIBIT P6: TRUE COPY OF THE APPLICATION FOR ADJOURNMENT OF THE SUIT FOR 10 DAYS FILED BY THE PETITIONER AS I.A.NO.13 OF 2015 DATED 01.01.2015.
- EXHIBIT P7: TRUE COPY OF THE WITNESS LIST DATED 1.1.2015 FILED BY THE PETITIONER IN OS NO.74/2012 BEFORE SUB COURT, KOCHI.
- EXHIBIT P8: TRUE COPY OF THE APPLICATION IA NO.19/2015 FOR ADJOURNMENT OF THE TRAIL IN O.S.NO.74/2012 BY THE 3RD RESPONDENT DATED 5.1.2015.
- EXHIBIT P9: TRUE COPY OF ORDER DATED 5.1.2014 IN I.A.NO.14/2015 IN O.S.NO.74/2012 OF THE SUB COURT, KOCHI.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.BHAVADASAN, J.

Original Petition (Civil) No.107 OF 2015

Dated this the 15th day of January, 2015.

J U D G M E N T

Petitioner challenges Ext.P9 order whereby the court refused to accede to the request made by the plaintiff to have a commission issued to examine the witnesses as per the witness list submitted by him.

2. After having heard the learned counsel appearing for the petitioner and also after having gone through the records, this Court finds no ground to interfere with the order of the court below. As rightly noticed by the court below, statements made in the petition are as vague as it could be and essential details are also absent.

This original petition is dismissed reserving liberty of the petitioner to file a proper petition and on filing proper petition, if the court below is impressed with the necessity to issue a commission, it may do so.

Sd/-

**P.BHAVADASAN
JUDGE**

smp