

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

OP(C).No. 266 of 2015 (O)

I.A.NO.7083/2014 IN O.S.NO.576/2001 OF 1ST ADDITIONAL SUB COURT, THRISSUR

PETITIONER(S) :

- 1. KUNJUMON, AGED 68 YEARS,
S/O.MANNAKATHVEETIL KURIYAKOSE, KURICHIKKARA DESOM,
THRISSUR TALUK, THRISSUR DISTRICT.**
- 2. SOSAMMA,
W/O.MANNAKATHVEETIL KUNJUMON, KURICHIKKARA DESOM,
THRISSUR TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.MAHESH V.MENON

RESPONDENT(S) :

**JOHNSON,
S/O.THALIYATHUVEETIL VARU, KURICHIKKARA VILLAGE,
PONGANAMKADU DESOM, THRISSUR TALUK,
THRISSUR DISTRICT-680 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 266 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1:** COPY OF WRITTEN STATEMENT FILED BY THE PETITIONERS IN
O.S.NO.576/2001 OF 1ST ADDITIONAL SUB COURT, THRISSUR
DATED 05.12.2002.
- EXT P2:** TRUE COPY OF I.A.NO.7083/2014 IN O.S.NO.576/2014 OF
1ST ADDITIONAL SUB COURT, THRISSUR DATED 05.12.2014.
- EXT P3:** TRUE COPY OF COUNTER IN I.A.NO.7083/2014 IN O.S.NO.576/2014 OF
1ST ADDITIONAL SUB COURT, THRISSUR,
- EXT P4:** CARBON COPY OF ORDER IN I.A.NO.7083/2014 IN O.S.NO.576/2014 OF
1ST ADDITIONAL SUB COURT, THRISSUR DATED 20.01.2015.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

P. BHAVADASAN, J.

O.P.(C) No. 266 of 2015

Dated this the 30th day of January, 2015.

JUDGMENT

Aggrieved by that part of the order in I.A. 7083 of 2014 in O.S. No. 576 of 2001 of 1st Additional Sub Court, Thrissur, whereby the court imposed Rs.10,000/- for amending the written statement, the petitioners have approached this Court with this Original Petition.

2. The grievance of the petitioners is that the costs awarded is on the high side and it is not just and proper in the facts and circumstances of the case.

3. It is significant to note that the court below has noticed that there is no explanation for the delay in taking steps for amendment. The suit is one for recovery of money based on a promissory note. The second defendant filed a written statement almost admitting the fact but

contending for the position that blank signed papers were obtained by the plaintiff.

4. The amendment petition was moved in 2014 when the suit was included in the list. The court below was gracious enough to observe that trial has not begun, and also that even though the petition is highly belated, the same can be allowed on payment of costs and allowed the petition directing the petitioners to pay Rs.10,000/- as costs.

5. There is no justification for this Court to interfere with the order of the court below in the light of the fact that 13 years have elapsed after the filing of the suit. The court below felt that in the circumstances of the case, imposition of heavy costs is necessary for allowing the belated application for amendment. This Court finds no grounds to interfere with the order of the court below.

This Original Petition is without merits and it is accordingly dismissed.

sb.

P. BHAVADASAN,
JUDGE