

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

OP(C).No. 306 of 2015 (O)

OS 292/2012 of SUB COURT, MANJERI
.....

PETITIONER(S)/PLAINTIFF:

**R S RAMALINGAM,
S/O. SIVA RAMALINGA IYER, 'VYSAG', KOZHIKODE ROAD,
MANJERI, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/DEFENDANTS:

- 1. S. VISALAKSHI,
W/O. T.V.KRISHNAN, 'MAHALAKSHMI', SIVANKOVIL STREET,
THAREKKAD VILLAGE, PALAKKAD,
PALAKKAD DISTRICT - 678 001.**
- 2. S.LALITHA,
W/O. S.S.RAMANATHAN, 'KRISHNA', CHEMBAKA COLONY - II,
BEYPORE, BEYPORE P.O., KOZHIKODE DISTRICT - 673 015.**
- 3. S.GEETHA ,
W/O. K.A.ANANTHASUBRAMANYAN, FLAT NO. V - 15, RAIN NAGAR,
KOYAMBEDU, KOYAMBEDU P.O., CHENNAI - 600 107.**
- 4. THE MANAGER,
CANARA BANK, NANGANALLUR BRANCH, NANGANALLUR P.O.,
CHENNAI - 600 061.**
- 5. THE MANAGER,
SUNDARAVALLY MEMORIAL RESIDENCE, SUBAPRIYA,
HOME FOR SENIOR CITIZENS, MOPPED ROAD, AALAPPAKKAM,
NEW PERUNGALATHUR, CHENNAI - 600 063.**
- 6. THE MANAGER,
STATE BANK OF INDIA, NANGANALLUR BRANCH,
NANGANALLUR P.O., CHENNAI - 600 061.**

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7. THE MANAGER,
INDIAN OVERSEAS BANK, MEENAMBAKKAM BRANCH,
NANGANALLUR, CHENNAI - 600 061.
8. S.KOKILAMBAL,
D1-201, SREEVATSA GARDENS, METTUPALAYAM ROAD,
THODIYALLUR, COIMBATHORE - 600 060.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 11-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

OP(C).No. 306 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 - THE TRUE COY OF THE PLAINT IN OS NO. 292/2012 ON THE FILE OF THE
SUB COURT, MAJERI.

EXT. P2 - THE TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE
RESPONDENT 1 AND 2 IN OS NO. 292/12 ON THE FILE OF THE SUB COURT,
MANJERI.

EXT. P3 - THE TRUE COPY OF THE IA NO. 139/15 IN OS NO. 292/12 ON THE FILE OF
THE SUB COURT, MANJERI.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. BHAVADASAN, J.

O.P.(C). No. 306 of 2015

Dated this the 11th day of February, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India seeking the following reliefs:

- “(i) To call for the records leading to O.S.No. 292/2012 on the file of the Sub Court, Manjeri and set aside the order posting the suit in the list on 10.2.2015.
- (ii) To set aside the Order of the Sub Court, Manjeri in O.S. No. 292/2012 in posting the suit in the list on 10.2.2015.
- (iii) To direct the Sub Court, Manjeri to adjourn the Suit O.S. No. 2092/2012 from the list and grant sufficient time to take steps and to give evidence in the suit.
- (iv) To direct the Sub Court, Manjeri to consider Ext.P3 application and adjourn the Suit O.S. No. 292/2012 from the list and grant sufficient time to take steps and to give evidence in the suit.”

2. The suit is of the year 2012. After notice to the parties, it was included in the special list for trial to 10.2.2015. The petitioner moved a petition for having the suit removed from the list as he has to produce certain documents. In order to procure the documents, he needed sometime and therefore he has approached the court.

3. Ext.P3 is the said application. He has approached this Court to direct the court below to consider Ext. P3 application and also to direct the court below to remove the case from the special list.

4. There is nothing to indicate that the petitioner has not been given sufficient time to produce whatever he wanted before the suit was included in the list. There is no justifiable reason for removing the case from the list. The reasons given in Ext.P3 are insufficient to remove the case from the special list. It is directed that the court below shall try the case as scheduled.

There is no merit in this Original Petition. It is dismissed.

sb.

P. BHAVADASAN,
JUDGE