

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 337 of 2015 (O)

(O.S.75/2011 OF SUB COURT, CHENGANOOR)

PETITIONER:

ANILKUMAR, AGED 46 YEARS
S/O.GOVINDAN, SHEEJA BHAVAN, PAZHAVEEDU,
PALLATHURUTHU MURI, ALAPPUZHA DISTRICT.

BY ADV. SRI.E.RADHAKRISHNAN

RESPONDENTS:

1. RATNAKUMAR, AGED 44 YEARS
S/O.SUKUMARAN, VALIAYPARAMBIL VEETIL, KARAKKADU MURI,
CHENGANOOR, ALAPPUZHA DISTRICT-689 121.
2. PADMAKUMAR
S/O.SUKUMARAN, VALIAYPARAMBIL VEETIL, KARAKKADU MURI
CHENGANOOR, ALAPPUZHA DISTRICT-689 121.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 337 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

P1:-COPY OF PLAINT IN OS NO.15/13.

P2:-COPY OF ATTACHMENT APPLICATION DTD 4/1/2013 FILED BY THE
PETITIONER IN OS NO.15/2013.

P3:-COPY OF ATTACHMENT REPORT DTD 22/1/2013 SUBMITTED BY AMIN
BEFORE THE MUNSIFF COURT, CHENGANOOR.

P4:-COPY OF JUDGMENT DTD 10/10/2013 PASSED BY THE MUNSIFF COURT,
CHENGANOOR IN OS NO 15/13.

P5:-COPY OF IA NO 5/2015 FILED BY THE PETITIONER IN OS NO 75/2011.

RESPONDENT(S)' EXHIBITS: NIL

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.337 OF 2015

Dated this the 5th day of February, 2015.

J U D G M E N T

The petitioner sought to get himself impleaded in O.S.No.75/2011 on the ground that that suit is filed by the 1st respondent in collusion with the 2nd respondent to defeat the right of the petitioner who got a decree in O.S.No.15/2013 filed against the 2nd respondent. O.S.No.75/2011 was a suit for specific performance.

2. The petitioner before this Court says that the property which is the subject matter of O.S.No.75/2011 has been attached in execution of the decree in O.S.No.15/2013 before Munsiff Court, Chengannur in which the petitioner obtained a decree. The petitioner moved I.A.No.5/2015 in O.S.No.75/2011 to get himself impleaded in the suit. That petition was dismissed by the court below.

3. The grievance of the petitioner is that he has not received a carbon copy of the order dated 03.02.2015 in

I.A.No.5/2015 though he applied for the same. It is pointed out that the suit stands listed for trial tomorrow. The petitioner therefore prays that there may be a direction to issue carbon copy of the order dated 03.02.2015 in I.A.No.5/2015 and also stay the proceedings.

4. This Court is not impressed with the contention that the petitioner is a necessary party to the proceedings.

This original petition is disposed of directing the court below to issue carbon copy of the order dated 03.02.2015 in I.A.No.5/2015 in O.S.No.75/2011 as expeditiously as possible, at any rate, within a period of one week from today.

**P.BHAVADASAN
JUDGE**

smp