

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. 338 of 2015 (O)

(O.S.138/2012 OF MUNSIF-MAGISTRATE COURT, PATTAMBI)

PETITIONER:

JAYAKRISHNAN, AGED 54 YEARS
S/O.N.P.MANI NAIR, SECRETARY
THRITHALA SERVICE CO-OPERATIVE BANK LTD., THRITHALA
PALAKKAD DISTRICT.

BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SRI.VINOD RAVINDRANATH
SRI.SAJU.S.A
SMT.MEENA.A.
SRI.K.C.KIRAN
SRI.M.DEVESH

RESPONDENTS:

1. MONU, AGED 52 YEARS
S/O.MUHAMMED, RESIDING AT KODAPPANA
PERUMANNUR AMSOM DESOM, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679 536.
2. MARAKKAR,
S/O.MOIDEEN, PRESIDENT,
THRITHALA SERVICE CO-OPERATIVE BANK LTD., THRITHALA
PALAKKAD DISTRICT, PIN - 679 534.

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

OP(C).No. 338 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: THE TRUE COPY OF THE PLAINT IN O.S.NO. 138/2012 ON THE FILE
OF MUNSIFF-MAGISTRATE COURT, PATTAMBI DATED 04/08/2012.

EXT.P2: THE TRUE COPY OF THE WRITTEN STATEMENT OF THE 1ST
DEFENDANT DATED 17/10/2012 IN O.S.NO. 138/2012 ON THE FILE
OF MUNSIFF-MAGISTRATE COURT, PATTAMBI.

EXT.P3: THE TRUE COPY OF THE WRITTEN STATEMENT OF THE 2ND
DEFENDANT DATED 17/10/2012 IN O.S.NO. 138/2012 ON THE FILE
OF MUNSIFF-MAGISTRATE COURT, PATTAMBI.

RESPONDENT'S EXHIBITS: NIL.

// True copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.338 OF 2015

Dated this the 5th day of February, 2015.

J U D G M E N T

The limited prayer in this original petition is for a direction to the Munsiff-Magistrate Court, Pattambi to take up I.A.No.154/2015 in O.S.No.138/2012 and dispose it of as expeditiously as possible and within a time frame fixed by this Court.

2. The suit was one for damages. Short facts necessary for the purpose of disposal of the petition are as follows:

The petitioner is the 1st defendant in the above suit. The plaintiff availed a loan from the Bank and he handed over a bunch of currency notes to the Bank in connection with his loan. Alleging that one of such notes was a fake note, Cashier of the Bank returned the same to the plaintiff. Later on, plaintiff says that he took the note to other Banks and it was found to be genuine. The plaintiff would say that the incident occurred in the presence of various customers of the Bank and that had caused

mental agony and loss of reputation to the plaintiff. That is the basis for the suit.

3. The defendants entered appearance and filed written statement. Later they filed an application as I.A No.154/2015 pointing out that the suit is bad by non joinder of necessary parties and the matter may be heard as a preliminary issue. It is pointed out that the said application is kept pending.

4. The limited prayer in this petition is for a direction to the court below to dispose of I.A.No.154/2015 on merits before the suit is listed for trial.

5. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This original petition is disposed of directing the Munsiff-Magistrate Court, Pattambi to take up I.A.No.154/2015 in O.S.No.138/2012 pending before it and dispose of it in accordance with law after hearing necessary parties within a period of one month from today.

Sd/-

P.BHAVADASAN
JUDGE

smp