

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

OP(C).No. 437 of 2015 (O)

(OS 20/2010 of SUB COURT, QUILANDY)

PETITIONERS/SUPPL. DEFENDANTS 3 TO 10:

1. EDAKATT KESAVA NAMBI,
S/O. VASU @ KESAVA NAMBI, ULLIYERI PO, KOYILANDY.
2. THODUVAYIL VASU NAMBI
S/O. VASU @ KESAVA NAMBI, ULLIYERI PO, KOYILANDY.
3. THODUVAYIL KESAVA NAMBI,S/O. VASU @ KESAVA NAMBI
'AISWARYA HOUSE', ULLIYERI PO, KOYILANDY.
4. THODUVAYIL RAVEENDRAN NAMBI
S/O. VASU @ KESAVA NAMBI ULLIYERI PO, KOYILANDY.
5. THADUVAYIL RAJAN NAMBI
S/O. VASU @ KESAVA NAMBI, ULLIYERI PO, KOYILANDY.
6. THODUVAYIL PAVITHRAN NAMBI
S/O. VASU @ KESAVA NAMBI, ULLIYERI PO, KOYILANDY.
7. THODUVAYIL BHANUMATHI MANAYAMMA
D/O VASU @ KESAVA NAMBI, AMBADI HOUSE,
ULLIYERI PO, KOYILANDY.
8. THODUVAYIL PRASANNA MANAYAMMA,
D/O. VASU @ KESAVA NAMBI, KOMBAN ILLAM (SANDHINI ILLAM),
THALASSERY TALUK, METTADI, MATTANNUR, KANNUR.

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS:

1. PANKAJAKSHI AMMA
W/O. DAMODARAN NAMBIAR, DEEPA NIVAS, ULLIYERI AMSOM
DESOM, KOYILANDY TALUK PO, 673 323.

2. MADHAVI AMMA
W/O. LATE ACHUTHAN NAIR, PANAKKAD, ULLIYERI AMSOM
DESOM, KOYILANDY TALUK PO, ULLIYERI - 673 323.
 3. DILEEP,
PUNATHIKANDY, S/O. DAMODARAN NAMBIAR
DEEPA NIVAS, ULLIYERI AMSOM, DESOM, KOYILANDY TALUK PO
ULLIYERI - 673 323, REPRESENTED BY POWER OF
ATTORNEY HOLDER P.K. DAMODARAN NAMBIAR.
 4. DEEPA,D/O. DAMODARAN NAMBIAR
TEACHER, PUNATHILKANDY, DEEPA NIVAS, ULLIYERI AMSOM
DESOM, KOYILANDY TALUK PO, ULLIYERI - 673 323.
 5. CHANDRAN NAMBI, THOTTUVAYIL,
S/O. VASU @ KESAVA NAMBI,
ULLIYERI AMSOM, DESOM, KOYILANDY TALUK P.O.,
ULLIYERI.
 6. ETAVALTH KUZHIYIL BALAN
S/O CHANGARAN, PANANTE VEETIL, ULLIYERI AMSOM, DESOM
KOYILANDY TALUK PO, ULLIYERI.
- R5, R6 BY ADV. SRI.K.MOHANAKANNAN
R5, R6 BY ADV. SMT.A.R.PRAVITHA
R1, R2 & R4 BY ADV. SRI.R.PARTHASARATHY
R1, R2 & R4 BY ADV. SMT.SEEMA

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 04-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 437 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE PLAINT OS 20/2010 DATED 30.1.2010.

EXHIBIT P2: TRUE COPY OF THE WRITTEN STATEMENT WITHJ COUNTER
CLAIM FILED BY THE DEFENDANTS 1 AND 2.

EXHIBIT P3: TRUE COPY OF THE AFFIDAVIT AND PETITION AS IA 105/2015.

EXHIBIT P4: TRUE COPY OF AFFIDAVIT AND PETITION FILED BY THE
PLAINTIFF FOR AMENDMENT OF THE PLAING IN OS 20/2010.

EXHIBIT P5: TRUE COPY OF THE IA 121/2015 DATED 12.2.2015.

EXHIBIT P6: TRUE COPY OF THE WRITTEN STATEMENT DATED 13.2.2015 IN
OS 20/2010.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.437 OF 2015

Dated this the 4th day of March, 2015.

J U D G M E N T

The reliefs sought for in this original petition read as follows:

- a) To issue an appropriate order or direction directing the court of Subordinate Judge, Koyilandy to furnish certified copies of the documents as applied for in C.A.246/2015 in O.S.20/2010 within a time frame to be fixed by this Hon'ble Court.
- b) To issue an appropriate order or direction directing the court of the Subordinate Judge, Koyilandy to allow defendants 3, 4, 8 and 10 to file written statement in O.S.20/2010 within a time frame to be fixed by this Hon'ble Court.

2. The petitioners are supplemental defendants 3 to 10 in O.S.No.20/2010 of Sub Court, Koyilandy. Respondents 1 to 4 are plaintiffs and respondents 5 and 6 are defendants 1 and 2 in the suit. The suit was one for declaration of title and injunction. Initially defendants 1 and 2 filed a written statement and later on

they amended it by incorporating a counter claim. In the counter claim so made, certain rights of ownership of the petitioners' properties were also seen mentioned. The petitioners were initially unaware of the proceedings and when they came to know about the same, they filed I.A.No.105/2015 seeking a direction to the plaintiff to implead the petitioners as supplemental defendants. That application was allowed on 10.02.2015 on condition that the supplemental defendants have to file a written statement on or before 13.02.2015. Prior to the filing of the written statement, an application as I.A.No.121/2015 was filed for removing the suit from the list. In the application it was pointed out that copies of certain documents have to be obtained and some more time is required for the same. The said application was dismissed and the case was posted for evidence to 19.02.2015.

3. After having heard the learned counsel on both sides, it is felt that the request made by the petitioners is reasonable and they could have been granted a breathing time to get certified copy of the documents as applied for in C.A.246/2015 in O.S.No.20/2010 and to file written statement.

In the result, this original petition is allowed. Certified copies of documents as applied for in C.A.246/2015 in O.S.No.20/2010 shall be furnished to the petitioners within a period of three weeks from the date of this judgment and the petitioners shall file written statement on or before 07.04.2015.

Sd/-

P.BHAVADASAN
JUDGE

smp