

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

OP(C).No. 621 of 2015 (O)

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MTOP 57/2014 OF MUNNAR SPECIAL TRIBUNAL
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PETITIONER(S) :

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- 1. K.M.RAJAPPAN,
S/O.MADHAVAN, AGED 70 YEARS
RESIDING AT KAPPIKKAD HOUSE
M.G.P NO.9/3093. NALLATHANNI NORTH DIVISION
MUNNAR-685 612.**
 - 2. SUKUMARAN,
S/O.MADHAVAN, AGED 53 YEARS, KAPPIKKAD HOUSE
M.G.P NO.9/3093. NALLATHANNI NORTH DIVISION
MUNNAR-685 612.**
 - 3. ELZY, W/O.SUKUMARAN,
AGED 50 YEARS, KAPPIKKAD HOUSE
M.G.P NO.9/3093. NALLATHANNI NORTH DIVISION
MUNNAR-685 612.**
 - 4. SRI.AJISH, S/O.SUKUMARAN,
AGED 25 YEARS, KAPPIKKAD HOUSE
M.G.P NO.9/3093. NALLATHANNI NORTH DIVISION
MUNNAR-685 612.**
 - 5. VIJISH, S/O.SUKUMARAN,
AGED 20 YEARS, KAPPIKKAD HOUSE
M.G.P NO.9/3093. NALLATHANNI NORTH DIVISION
MUNNAR-685 612.**
 - 6. SRI.VINISH,
S/O.SUKUMARAN, AGED 17 YEARS (MINOR),
KAPPIKKAD HOUSE, M.G.P NO.9/3093,
NALLATHANNI NORTH DIVISION, MUNNAR-685 612
REPRESENTED BY HIS MOTHER AND GUARDIAN 3RD PETITIONER ELSY.**

BY ADV. SRI.R.DIVAKARAN

...2/-

RESPONDENT(S) :

1. M/S. K.D.H.P. COMPANY PRIVATE LIMITED,
A PRIVATE LIMITED COMPANY INCORPORATED IN INDIA WITH
ITS REGISTERED OFFICE AT KDHP HOUSE
N.H.49, MUNNAR
REPRESENTED BY THE POWER OR ATTORNEY HOLDER
C.SREEKUMAR, DEPUTY MANAGER,
KDHP COMPANY PRIVATE LIMITED
MUNNAR-685 612.
2. TATA TEA LIMITED,
PRESENTLY M/S.TATA GLOBAL BEWERAGES LIMITED
KOLKOTTA, REPRESENTED BY M/S.KDHP COMPANHY P. LIMITED
KDHP HOUSE, N.H.49, MUNNAR
REPRESENTED BY THE POWER OF ATTORNEY HOLDER V.THANKARAJ
ASSISTANT MANAGER, A & L, KDHP COMPANY P. LIMITED
MUNNAR-685 612.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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...3/-

OP(C).No. 621 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1: THE TRUE COPY OF THE IMPEADING PETITION IN I.A.NO.461/2014 IN
M.T.O.P. 57/2014 ON THE FILE OF MUNNAR SPECIAL TRIBUNAL,
MUNNAR.

EXT.P2: THE TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE
PETITIONERS/RESPONDENTS.

EXT.P3: TRUE COPY OF THE ORDER OF MUNNAR SPECIAL TRIBUNAL,
MUNNAR IN I.A.461/2014 IN MTOP 57/2014 DATED 22.1.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.BHAVADASAN, J.

O.P.(C) No. 621 of 2015

Dated this the 06th day of March, 2015

J U D G M E N T

Aggrieved by Ext.P3 order, respondents 2, 4 to 8 before the court below have come up with this original petition under Article 227 of the Constitution of India.

2. The petitioner before the court below filed I.A.No.461/2014 in M.T.O.P.No. 57/2014 seeking to implead another person as an additional second petitioner. That was opposed by the respondents. In spite of the above, the court below found that for proper adjudication of the issue, it is only appropriate that the person who is sought to be impleaded is brought on the party array and allowed the petition.

3. The claim of the petitioner before the court below was that they had purchased the property of the second petitioner who was sought to be impleaded as additional second petitioner. The claim that they have no interest at

present, raised by the respondent may not have much relevance in the sense that the definite stand taken by the petitioner in the proceedings was that in order to set at rest the controversy and proper adjudication of the issue, they needed the vendor company to be on the party array.

4. If the court below thought that for a proper adjudication of the issues and also to set at rest any controversy that may arise in future, the person who is sought to be impleaded should be brought on the party array as the second petitioner, there is nothing wrong with the order. The order does not suffer from any illegality, irregularity or impropriety.

This original petition is without merits and it is accordingly dismissed.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge