

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. 624 of 2015 (O)

(O.S.775/12 OF 2ND ADDITIONAL SUB COURT, ERNAKULAM)

PETITIONER/DEFENDANT IN O.S.775/2012:

C.K.MOHINI, S/O. KITTEN,
MOHINI FUELS, OMALLOOR,
PATHANAPURAM.

BY ADVS.SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENT/PLAINTIFF IN O.S.775/2012:

MIR BUILDERS, 1ST FLOOR,
M.M. BUILDING,
KALABHAVAN ROAD, ERNAKULAM - 682 031.
REP. BY JINARAJAN.

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

O.P.(C) 624/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF APPLICATION AS I.A.989/15 IN O.S.775/12
BEFORE 2ND ADDITIONAL SUB COURT, ERNAKULAM.
- EXT. P2 : COPY OF APPLICATION AS I.A.4502/14 IN O.S.775/12 OF
SUB COURT, ERNAKULAM.
- EXT. P3 : COPY OF I.A.1046/15 IN O.S.775/12 OF SUB COURT,
ERNAKULAM.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P. BHAVADASAN, J.

O.P.(C). No. 624 of 2015

Dated this the 6th day of March, 2015.

JUDGMENT

The limited prayer in this Original Petition is for a direction to the court below to consider the amendment application said to have been filed by the petitioner for amending the written statement before proceeding with the trial of the suit.

2. The petitioner was set ex parte and the order setting aside the ex parte order was passed on 24.2.2015. Immediately on the next day, the petitioner filed an application for amendment. The complaint of the petitioner is that without passing any orders on that application, the suit was listed for trial.

3. It is trite that the application for amendment has to be considered in accordance with law before proceeding with the trial of the suit.

This Original Petition is disposed of directing the court below to consider the amendment application said to have been filed by the petitioner for amending the written statement before taking the suit for trial.

sb.

P. BHAVADASAN,
JUDGE