

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

OP(C).No. 705 of 2015 (O)

I.A.NO.4194/2014 AND IA.4193/2014 I OS.1491/2009 OF PRINCIPAL MUNSIF COURT,
IRINJALAKUDA
.....

PETITIONER(S):

A ONE PLASTICS,
PROPRIETOR, JOHNY,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
E.S.SAJEEVKUMAR, S/O.EDATHIRUTHY SANKARANARAYANAN,
SANTHI NAGAR DESOM, IRINJALAKUDA VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S):

1. SUBAIR,
PAKKINI ELECTRICALS, O.B.ROAD, THIRUR,
THIRUR P.O., MALAPPURAM DISTRICT, PIN - 676 101.
2. K.P. MUHAMMADUNNI,
OWNER OF PAKKINI ELECTRICALS, O.B.ROAD, THIRUR P.O.,
MALAPPURAM DISTRICT, KAKKIDI PAKKINI KALATHIL HOUSE,
PUTHUPALLY, THIRUR, PIN - 676 101.

BY ADVS. SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

OP(C).No. 705 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PLAINT IN OS 1491/2009 OF PRINCIPAL MUNSIF COURT, IRINJALAKUDA.

EXT.P2: TRUE COPY OF THE WRITTEN STATEMENT IN OS 1491/2009 OF PRINCIPAL MUNSIF COURT, IRINJALAKUDA.

EXT.P3: TRUE COPY OF THE PETITION IN IA 4193/2014 OS 1491/2009 OF MUNSIF COURT, IRINAJALAKUDA.

EXT.P4: TRUE COPY OF THE OBJECTION IN EXHIBIT P3.

EXT.P5: TRUE COPY OF THE PETITION IN IA 4194/2014 OS 1491/2009 OF MUNSIF COURT, IRINJALAKUDA.

EXT.P6: TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT IN EXHIBIT P5.

EXT.P7: TRUE COPY OF THE OBJECTION FILED BY THE 2ND RESPONDENT IN EXHIBIT P5.

EXT.P8: TRUE COPY OF THE ORDER DATED 29/01/2015 IN IA 4194/2014.

EXT.P9: TRUE COPY OF THE ORDER DATED 29/01/2015 IN IA 4193/2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

.....
O.P.(C) No.705 of 2015
.....

Dated this the 6th day of August, 2015

J U D G M E N T

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An amendment application was filed along with an impleading application for getting the additional 2nd defendant impleaded in the suit. Those applications were dismissed through Exts.P8 and P9 orders by the court below. The said orders are under challenge.

2. The learned counsel for the 1st respondent has pointed out that the suit itself is not there as the suit has already been dismissed by the court below. The petitioner has filed an application under Order IX Rule 9 CPC for getting the suit restored. As the suit is not there, the present O.P.(Civil) is not maintainable. On getting the suit restored, the petitioner can move afresh by challenging Exts.P8 and P9 orders.

With the said observations, this O.P.(Civil) is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/08

// True Copy //

PA to Judge