

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

OP(C).No. 774 of 2015 (O)

**AGASNT THE OFDER/JUDGMENT IN O.S.194 OF 2010 OF
ADDIITONAL MUNSIFF COURT, CHERTHALA**

PETITIONER(S)/DEFENDANT:

**PANKAJAKSHI AMMA AGED 60 YEARS
W/O. RAMAN PILLAI, MANAPURAM (PO)
THAIKATUSSERY VILLAGE, CHERTHALA**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN**

RESPONDENT(S)/PLAINTIFF:

**ROY ALIAS JACOB
S/O. JACOB, VARIUM PARAMBIL, MUTTAMBALAM (PO)
KOTTAYAM FROM VARIAMBALAM, THEVARAVATTOMMURI VILLAGE
CHERTHALA-688 520**

R1 BY ADV. SRI.C.G.RAJ KUMAR

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PLAINT FILED BY THE RESPONDENT HERE IN OS 194/10 PENDING BE FOR THE HON'BLE ADDITIONAL MUNSIFF'S COURT, CHERTHALA

EXHIBIT P2: TRUE COPY OFB THE AFFIDAVIT FILED BY THE PETITIONER BEFORE THE HON'BLE ADDL.MUNSIFF COURT CHERTHALA

EXHIBIT P3: THE TRUE COPY OF THE COMMISSION REPORT FILED BY THE COMMISSIONER

EXHIBIT P4: THE TRUE COPY OF THE AMENDMENT APPLICATION FILED BY THE PETITIONER IN IA NO. 937/2015 IN OS NO.194/2010 BEFORE THE HON'BLE ADDITIONAL MUNSIFF'S COURT, CHERTHALA

EXHIBIT P5:THE TRUE COPY OF THE IMPUGNED ORDER DATED 4.3.2015 IN IA NO.937/2015 IN OS NO,. 194/2010 PASSED BY THE HON'BLE ADDITIONAL MUNSIFF'S COURT, CHERTHALA

RESPONDENT(S)' EXHIBITS

EXHIBIT-R1- A TRUE COPY OF THE DEPSOITION OF THE PETITIOERN AS DW1 DATED 7-3-2015.

EXHIBIT-P2- A TRUE COPY OF THE OBJECTION DATED 2-3-2015.

EXHIBIT-R3- A TRUE COPY OF AMENDMENT APPLCIATION DATED 18-8-2014 (IA.NO.3333/2014) TO AMEND THE PLAINT.

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.774 of 2015

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner is the defendant in O.S.194 of 2010 on the file of Additional Munsiff Court, Cherthala. The plaint was amended by the respondent. The petitioner filed an additional written statement and IA.No.937 of 2015 Ext.P4 for amendment of the written statement. The learned Munsiff received the additional written statement and dismissed the amendment application. The order of dismissal of the amendment application is challenged.

2. Heard.

3. I have perused the affidavit filed in support of the amendment application. There is absolutely no reason stated for the proposed amendment. On that ground the learned Munsiff was justified in passing the impugned order. Moreover, the purpose has been served by filing the additional written statement. So there is no room for file any complaint by the petitioner.

In the result, this O.P is dismissed.

**K. ABRAHAM MATHEW
JUDGE**