

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

OP(C).No. 979 of 2015 (O)

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E.A. 519/2014 IN E.P. 123/2014 IN O.S. 534/2012 OF  
II ADDL. MUNSIFF'S COURT, NEYYATTINKARA.

PETITIONER(S):

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REV. G BABU, S/O. GEROGE, AGED 60 YEARS,  
SECRETARY-CUM-TREASURER,  
INDIAN EVANGELICAL LUTHERAN CHURCH TRUST  
ASSOCIATION, 335-a, LUTHERAN MISSION COMPOUND,  
K.P. ROAD, NAGERCOILD, TAMILNADU.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA  
SRI.P.T.ABHILASH

RESPONDENT(S):

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1. INDIA EVANGELICAL LUTHERAN CHURCH (IELC),  
KERALA SYNOD, SYNOD OFFICE, MUDAVOORPARA,  
BALARAMAPPAURAM, PALLICHAL DESOM,  
PALLICHAL VILLAGE, THIRUVANANTHAPURAM  
DISTRICT, PIN - 695 501, REPRESENTED BY ITS  
SECRETARY HELEN.
2. INDIAN EVANGELICAL LUTHERAN CHURCH (IELC),  
THIRUVANANTHAPURAM SYNOD, C.L.H.S.  
COMPOUND, PEROORKADA,  
THIRUVANANTHAPURAM - 695 005,  
REPRESENTED BY ITS SECRETARY  
DHARMADAS SAMUEL.

3. CORPORATE MANAGEMENT OF LUTHERAN SCHOOLS  
OF IELC, THIRUVANANTHAPURAM SYSNOD, C.L.H.S.  
COMPOUND, PERRORKADA,  
THIRUVANANTHAPURAM - 595 005,  
REPRESENTED BY ITS CORPORATE SCHOOL  
MANAGER REV. M. SOOSAPPAN.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON  
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

O.P.C. 979 OF 2015

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF O.S. NO. 534/2012 FILED BY THE 1ST RESPONDENT.

EXT. P2 : TRUE COPY OF THE WRITTEN STATEMENT DATED 22.6.2012 FILED BY THE RESPONDENTS 2 AND 3 IN EXT. P1 SUIT.

EXT. P3 : TRUE COPY OF THE JUDGMENT DATED 3.7.2012 IN O.S. NO. 534/2012 OF THE LEARNED COURT OF THE ADDITIONAL MUNSIFF-II, NEYYATTINKARA.

EXT. P3(a) : TRUE COPY OF THE DECREE DATED 3.7.2012 IN O.S. NO. 534/2012 OF THE LEARNED COURT OF THE ADDITIONAL MUNSIFF-II, NEYYATTINKARA.

EXT.P4 : TRUE COPY OF THE ORDER NO. ET 4/46795/10/DPI/D.DIS DATED 1.12.2010 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

EXT.P5 : TRUE COPY OF THE ORDER NO. ET (4)/40606/14/KDIS DATED 29.8.2014 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.

EXT.P6 : TRUE COPY OF THE OBJECTION DATED 23.8.2014 FILED BY THE 2ND RESPONDENT IN E.P.NO. 123/2014 IN O.S. NO. 534/2012.

EXT. P6(a) : TRUE COPY OF THE OBJECTION DATED 22.8.2014 FILED BY THE 3RD RESPONDENT IN E.P. NO. 123/2014 IN O.S. NO. 534/2012.

EXT. P7 : TRUE COPY OF THE AFFIDAVIT DATED 20.9.2014 FILED BY THE PETITIONER IN E.A. NO. 519/2014 IN E.P. NO. 123/2014 IN O.S. NO. 534/2012.

EXT. P8 : TRUE COPY OF E.A. NO. 519/2014 FILED BY THE PETITIONER IN E.P. NO. 123/2014 IN O.S. NO. 534/2012.

EXT. P9 : TRUE COPY OF E.A. NO. 191/2015 FILED BY THE PETITIONER BEFORE THE LEARNED ADDL. MUNSIFF'S COURT-II, NEYYATTINKARA IN E.P. NO. 123/2014 IN O.S. NO. 534/2012.

**P. BHAVADASAN, J.**

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O.P.(C). No. 979 of 2015  
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Dated this the 10<sup>th</sup> day of April, 2015.

**JUDGMENT**

Learned counsel appearing for the petitioner brought to the notice of this Court that the petitioners have filed a petition seeking necessary directions.

2. Apart from the fact that the relief sought for in the petition so filed does not find a place in the relief portion of the Original Petition, it is also seen that the E.A. has been filed only on 9.4.2015. Therefore, it is imprudent on the part of this Court to direct the court below to dispose of the E.A.

3. Faced with the above situation, learned counsel for the petitioners sought to withdraw this Original Petition with liberty to file a proper petition.

Permission is granted and this Original Petition is dismissed as withdrawn with liberty to file a proper petition.

sb.

P. BHAVADASAN,  
JUDGE