

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

OP(C).No. 2816 of 2013 (O)

O.S.NO. 157/2007 OF MUNSIFF COURT, PERAMBRA

PETITIONERS:

- 1. KALLARAMVEETIL BASHEER,
S/O.KUNHAMMED, CHERUPOOLAKANDI PARAMBU, ERAVATTOOR,
QUILANDY.**
- 2. KANIKULANGARA SEREENA,
W/O.BASHEER, CHERUPOOLAKANDI PARAMBU, ERAVATTOOR,
QUILANDY.**

**BY ADVS.SRI.V.V.ASOKAN
SRI.P.RAHUL**

RESPONDENT:

**JERARD ONATT,
S/O.MANUEL, ONATT, THIRUVAMPADY AMSOM,
KOZHIKODE. REPRESENTED BY POWER HOLDER- P.T.GEORGE,
PANAMARATHIL, CHEVAYOOR AMSOM, KOZHIKODE-673 017.**

**R1 BY ADV. SRI.V.G.ARUN
R1 BY ADV. SRI.T.R.HARIKUMAR**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 09-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1- TRUE COPY OF THE PLAINT IN O.S.NO.157 OF 2007 BEFORE THE
MUNSIFF COURT, PERAMBRA DATED 8.10.2007.
- EXHIBIT P2- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE
PETITIONERS IN OS NO.157 OF 2007 BEFORE THE MUNSIFF COURT,
PERAMBRA DATED 1.4.2008.
- EXHIBIT P3- TRUE COPY OF THE ADVOCATE COMMISSIONER'S REPORT FILED IN
O.S.157/2007 DATED 21.11.2012.
- EXHIBIT P3(a)- TRUE COPY OF THE PLAN SUBMITTED BY THE ADVOCATE
COMMISSIONER IN OS NO.157/2007 DATED NIL.
- EXHIBIT P4- TRUE COPY OF THE DEPOSITION GIVEN BY THE POWER HOLDER OF
THE PETITIONER AS PW1 DATED 7.3.2011.
- EXHIBIT P5- TRUE COPY OF THE IA 434/2013 IN OS 157 OF 2007 FILED BEFORE THE
MUNSIFF COURT, PERAMBRA DATED 12.7.2013.
- EXHIBIT P6- TRUE COPY OF THE ORDER OF THE MUNSIFF COURT, PERAMBRA IN
IA 434/2013 IN OS 157 OF 2007 DATED 30.7.2013.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

AK

K.ABRAHAM MATHEW J.

O.P.C.No.2816 OF 2013

Dated this the 09th day of October, 2015

JUDGMENT

Petitioners are the defendants in O.S.No.157/2007 of Munsiff Court, Perambra. Respondent is the plaintiff. Respondent appeared through his power of attorney holder. Evidence was recorded. The power of attorney holder of the respondents was examined as a witness. The petitioners filed I.A.No. 434/2013 to summon the respondent as a witness by Exhibit P6.

2. Heard.

3. One party to a proceedings cannot be compel the other party to appear as a witness. If the opposite party does not give evidence as a witness the other party may make a request to the court to take adverse inference in appropriate cases. The learned Munsiff rightly dismissed the petitioners application. Exhibit P6 cannot be interfered with.

In the result this O.P. is dismissed.

Sd/-
K.ABRAHAM MATHEW, JUDGE

AK

//True copy//

P.A. to Judge