

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

OP(C).No. 1029 of 2015 (O)

AGAINST THE ORDER IN i.a.1395/2012 in O.S.230/2012 AND CMA 72/2012
of DISTRICT COURT, KOZHIKODE

PETITIONER/APPELLANT/PLAINTIFF:

ABRAHAM MATHEW, S/O. MATHEW,
RESIDING AT NELLIKODE MOUNT,
MAKKADA AMSOM, BADIRUR DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT/RESPONDENT/DEFENDANT:

RAVEENDRAN PUZHUTHANATTU,
S/O.CHANDUKUTTY, RESIDING AT PUZHUTHANATTU,
PULIYOKOTTU MEETHAL,
MAKKADA P.O., AMSOM, BADIRUR DESOM,
KOZHIKODE DISTRICT.

BY ADV.SRI. P.A. HARISH.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 1029/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF PLAINT IN O.S.230/2012 OF MUNSIFF COURT,
KOZHIKODE.

EXT. P2 : COPY OF PETITION ALONG WITH THE AFFIDAVIT IN
I.A.1395/2012.

EXT. P3 : COPY OF COUNTER FILED BY RESPONDENT.

EXT. P4 : COPY OF REPORT OF COMMISSIONER.

EXT. P4(a) : COPY OF the PLAN.

EXT. P5 : COPY OF ORDER IN I.A.1395/2012 DTD.27.11.12.

EXT. P6 : COPY OF ORDER IN CMA 72/2012.

EXT. P7 : COPY OF ORDER IN A.8313/2012 DTD.17.6.14.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.1029 OF 2015

Dated this the 9th day of April, 2015.

J U D G M E N T

This original petition is limited to the observations made by the lower appellate court in paragraphs 10 and 11 of Ext.P6 order standing in the way of the trial court disposing the matter on merits.

2. The petitioner apprehends that if the observations in paragraph 10 namely, 'Therefore, according to me, the appellant has approached the court suppressing true facts and in paragraph 11 that 'So, according to me, the appellant approached the court with unclean hands' may influence the trial court in disposing of the suit. Therefore, the petitioner prays that it may be clarified that those observations are only limited for the purpose of the Interlocutory Application and that shall not influence the trial court in disposing the case in accordance with law.

It is made clear that the two observations made mention of above are limited for the purpose of the Interlocutory Application

and that shall not stand in the way of the trial court disposing of the matter in accordance with law and based on the evidence adduced in the case.

This original petition is disposed of.

Sd/-

**P.BHAVADASAN
JUDGE**

smp