

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

OP(C).No. 1188 of 2015 (O)

ORDER DATED 07-04-2015 IN OS 82/2015 OF MUNSIF COURT, MANJERI

.....

PETITIONER(S):

**ABDUL SALAM,
S/O.KUNHIPPOCKER, PALAKKULATH HOUSE, VAZHAKKAD P.O.,
VAZHAKKAD KARAYIL, KONDOTTY TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT(S):

- 1. MUHAMMED,
S/O.UNNIMOYI, KUNNATHKULANGARA, KODAKKAT HOUSE,
VAZHAKKAD P.O., VAZHAKKAD KARAYIL, KONDOTTY TALUK,
MALAPURAM DISTRICT - 676 501.**
- 2. THE DISTRICT SURVEY SUPERINTENDENT,
COLLECTORATE, MALAPPURAM - 676 505.**
- 3. THE TAHSILDAR,
TALUK OFFICE, KONDOTTI TALUK,
MALAPPURAM DISTRICT - 676 505.**
- 4. THE VILLAGE OFFICER,
VAZHAKKAD, MALAPPURAM DISTRIC -, 676 501.**

R1 BY ADV. SMT.M.LALITHA NAIR

R2 - R4 BY GOVERNMENT PLEADER SRI.REJI JOSEPH

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 31-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 1188 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: THE TRUE COPY OF THE ORDER DATED 21/2/2015 OF THE HON'BLE
MUNSIFF COURT, MANJERI DATED 21/2/2015.**

**EXHIBIT-P2: THE TRUE COPY OF THE PETITION DATED 13/5/2015 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENTS 2 AND 4.**

**EXHIBIT-P2(A): TRUE COPY OF THE RECEIPT DATED 13/5/2015 ACKNOWLEDGING
RECEIPT OF EXT.P2.**

**EXHIBIT-P3: THE TRUE COPY OF THE INTERLOCUTORY APPLICATION
DATED 7/4/2015 IN OS NO.82/2015 ON THE FILE OF THE HON'BLE
MUNSIFF COURT, MANJERI.**

**EXHIBIT-P4: THE TRUE COPY OF THE AMENDMENT PETITION IN OS NO.82/2015 ON
THE FILE OF THE MUNSIFF COURT, MANJERI.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
O.P.(C) No.1188 of 2015
.....

Dated this the 31st day of July, 2015

J U D G M E N T

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Petitioner seeks for a direction to the court below to dispose of Exts.P3 and P4. The prayer in Ext.P3 is for getting the District Survey Superintendent, Malappuram impleaded as additional 2nd defendant in the suit. Ext.P4 is the consequential amendment to be made in the plaint on the bringing in of the additional 2nd defendant.

2. It seems that the attempt of the petitioner is to bring the Survey Superintendent, who is a public officer, as additional 2nd defendant in the suit, for acts allegedly going to be done by him in his official capacity. In such case, as per Order XXVII Rule 5A CPC, the government shall be joined as a party. There is no request in Ext.P3 to implead the government also as one of the defendants. No consequential amendment to that effect has been sought for

through Ext.P4. Matters being so, Exts.P3 and P4 are not maintainable and are only to be dismissed. Therefore, any direction to the court below to dispose of Exts.P3 and P4 is not required in the matter.

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

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/31/07

// True Copy //

PA to Judge