

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP(C).No. 1202 of 2015 (O)

OS 440/2013 OF III ADDL. SUB COURT, ERNAKULAM
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PETITIONER(S):

**ANAND JOSEPH, AGED 49,
PULIKKAL HOUSE, 11/325, S.R.A-55,
SOUHRUDA NAGAR, THRIKKAKARA P.O.,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.M.SEBASTIAN

RESPONDENT(S):

- 1. SANTHOSH JOSEPH, AGED 51,
PULIKKAL HOUSE, 11/325, S.R.A.-55,
SOUHRUDA NAGAR, THRIKKAKARA P.O.,
ERNAKULAM DISTRICT - 682 030.**
- 2. UNION BANK OF INDIA,
REPRESENTED BY BRANCH MANAGER,
PANAMPILLY NAGAR BRANCH, PANAMPILLY NAGAR P.O.,
ERNAKULAM, PIN-682 036.**
- 3. THE REGIONAL MANAGER,
REGIONAL OFFICE, UNION BANK OF INDIA, M.G.ROAD,
NEAR SHENOYS THEATER, ERNAKULAM, PIN-682 035.**

R2 & R3 BY ADV. SRI.A.S.P. KURUPPU

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 1202 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : THE TRUE COPY OF THE NOTICE DATED 30-1-2015 ISSUED TO THE PETITIONER ON BEHALF OF THE 2ND RESPONDENT U/S 13 OF THE SARAFASI ACT.

EXT. P2 : THE TRUE COPY OF THE IMPEADING PETITION AND AFFIDAVIT DATED 7-1-2015 FILED BEFORE THE SUB COURT IN OS.NO.440 OF 2013.

EXT. P3 : THE TRUE COPY OF THE ORDER OF THE SUB COURT PASSED IN IA.NO.283 OF 2015 DATED 11-3-2015 IN OS.NO.440 OF 2013.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

B.KEMAL PASHA, J.

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O.P.(C). No.1202 of 2015

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Dated this the 27th day of May, 2015

J U D G M E N T

In a partition suit, a portion of the property was covered by a mortgage with a bank. The petitioner has sought for getting the bank also impleaded in the suit in the party array. It seems that the court below has rightly denied the request. Challenging the said order, this O.P. (C) has been filed.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. There is absolutely nothing to interfere with the impugned order. I do not find any illegality, irregularity or jurisdictional error committed by the court below in passing the said order. The Original Petition (Civil) deserves no merit and it is only to be dismissed and I am doing so.

O.P.(C).No.1202 of 2015

-: 2 :-

In the result, this Original Petition (Civil) is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/27/5/15