

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

OP(C).No. 1231 of 2015 (O)

AA 45/2007 of APPELLATE AUTHORITY (LR), ALAPPUZHA

PETITIONER(S):

**THE BE BE RUBBER ESTATE LTD.,
HAVING ITS REGISTERED OFFICE AT NELLIAMPALLY,
PUNALUR, VALACODE VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.
REPRESENTED BY ITS CHIEF ADMINISTRATIVE
OFFICER SRI.BABU KURIAN.**

**BY ADVS.SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

RESPONDENT(S):

**THE BISHOP OF CATHOLIC/DIOCESE OF PUNALUR
PINEAPPLE JUNCTION, POST BOX NO. 48,
PUNALUR - 692 305.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE APPEAL MEMORANDUM IN AA NO. 45/2007 BEFORE THE APPELLATE AUTHORITY.
- P2 - TRUE COPY OF THE ORDER DT. 22.9.14 IN AA NO. 45/07 OF THE APPELLATE AUTHORITY.
- P3 - TRUE COPY OF IA NO. 59/14 DT. 20.10.14 IN AA NO. 45/2007 BEFORE THE APPELLATE AUTHORITY.
- P4 - TRUE COPY OF COUNTER AFFIDAVIT DT. 17.11.14 IN IA NO. 59/14 DT. 20.10.14 IN AA O. 45/2007 BEFORE THE APPELLATE AUTHORITY.
- P5 - TRUE COPY OF THE ORDER DT. 06.4.15 IN IA NO. 59/14 IN AA NO. 45/07 OF THE APPELLATE AUTHORITY.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Dated this the 28th day of May, 2015

J U D G M E N T

An appeal pending before the Appellate Authority under Land Reforms Act was happened to be dismissed for default. Within time, the appellant applied for restoration of the appeal instead of seeking re-admission of the appeal. An application was filed under Order 9 Rule 9 of the Code of Civil Procedure instead of invoking Order 41 Rule 19 of the Code of Civil Procedure.

2. Apart from those technicalities, this Court does not find any other illegality or irregularity in the order passed by the court below. The restoration of the appeal made by the Appellate Authority has to be treated as re-admission of the appeal by the Appellate Authority. The learned counsel for the petitioner has pointed out that the Appellate Authority has not mentioned the reasons for the re-admission of the appeal. The reasons are not in the application filed by the

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party. I do not find anything to interfere with the impugned order.

This Original Petition (Civil) is therefore dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/28/5/15