

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

OP(C).No. 1239 of 2015 ()

IA NO. 830/2014 IN AS 36/2011 of PRINCIPAL SUB COURT,ALAPPUZHA

PETITIONER/APPELLANT/DEFENDANT :

MOHANANDAN, AGED 50 YEARS,
S/O.PURUSHOTHAMAN, PRIVATE COMPANY EMPLOYEE
RESIDING AT KAITHAVALAPPUCHIRAYIL
PERUNTHURUTHU MURI OF KANJIKKUZHI VILLAGE
CHERTHALA THALUK, ALAPPUZHA.

BY ADVS.SRI.T.JAYAKRISHNAN
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENT/RESPONDENT/PLAINTIFF::

KUNJUMON DEVASSIA AGED ABOUT 50 YEARS,
S/O.DEVASSIA, BUSINESS, VALLAPPATTIL
PERUNTHURUTHU MURI OF THANNERMUKKOM SOUTH VILLAGE
ALAPPUZHA - 688 524.

R1 BY ADV. SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY
SRI.JACOB TOMLIN VARGHESE
SRI.BIJISH B.TOM

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 26-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF JUDGMENT IN OS NO.177/2009 DTD. 22/1/2011 IN THE FILES OF SUB COURT, ALAPPUZHA.
- P2: A TRUE COPY OF THE APPEAL MEMORANDUM IN AS NO.36/2011 IN THE FILES OF DISTRICT COURT, ALAPPUZHA.
- P3: A TRUE COPY OF IA NO.830/2014 IN AS NO:36/2011 IN THE FILES OF DISTRICT COURT, ALAPPUZHA
- P4: A TRUE COPY OF OBJECTION FILED IN IA NO.830/2014.
- P5: A TRUE COPY OF IA. NO.1241/2014 DTD 28/10/2014 IN OS NO.177/2009 OF SUB COURT, CHERTHALA.
- P6: A TRUE COPY OF ORDER PASSED IN IA NO.1241/2014 DTD.13/3/2015 IN OS NO.177/2009 OF SUB COURT, ALAPPUZHA.
- P7: A TRUE COPY OF ORDER PASSED IN OPC NO.906/2015 DTD 31/3/2015.
- P8: A TRUE COPY OF ORDER PASSED INA NO.830/2014 IN AS NO.36/2011 DTD. 10/4/2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

=====

O.P.(C).No.1239 of 2015

=====

Dated this the 26th day of June, 2015

J U D G M E N T

Exhibit P8 order passed by the court below is one under Order 41 Rule 19 CPC. Through the said order, the said application has been dismissed. The said order is apparently appealable under Order 43 Rule 1(t) CPC. Matters being so, this Original Petition (Civil) is not maintainable.

In the result, this Original Petition (Civil) is dismissed with liberty to the petitioner to file appropriate appeal as contemplated under Order 43 Rule 1 (t) CPC.

Sd/-

**B.KEMAL PASHA
JUDGE**