

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

OP(C).No. 1345 of 2015 (O)

**(I.A.NO.1359/2015 IN IA.NO.13705/2014 IN O.S.NO.4430/2014 OF III ADDITIONAL
MUNSIFF COURT, THRISSUR)**

PETITIONER(S):

- 1. AKHILA KERALA PERUMKOLLA SAMAJAM
ARANATTUKARA H.O & P.O., ARANATTUKARA, THRISSUR - 680 618.
REPRESENTED BY ITS STATE PRESIDENT T.K.MOHANAN.**
- 2. T.K.MOHANAN, AGED 57 YEARS,
PRESIDENT AKPS S/O.THAZHEKKRA KARUPPAN S.N.ROAD,
KOORKANCHERRY P.O., THRISSUR-680 007**

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENT(S):

- 1. M.N.PRABHAKARAN, AGED 54 YEARS,
S/O.PAREKKARA C.NARAYANAN, RESIDING AT EDATHARAP.O.,
PARLY PALAGHAT DISTRICT, PIN - 678 611.**
- 2. C.V.MANIKANTAN, AGED 55 YEARS,
S/O.CHETTUPUZHA VELU,
RESIDING AT KIZHAKKEPURAM ARANATTUKARA VILLAGE,
THRISSUR - 680 618.**
- 3. E.S.BINOY, AGED 45 YEARS,
S/O.ELAMTHURUTHY SUKUMARAN,
RESIDING AT MADHAVAPURAM ROAD,
CHIYYARAM P.O., THRISSUR - 680 026.**
- 4. V.V.PRABHAKARAN, AGED 52 YEARS,
S/O.VENNAKKARA VELA, RESIDING AT PATTIKKAD,
PATTIKKAD P.O., THRISSUR - 680 026.**
- 5. KALLADATHUR KRISHNNKUTTY,
VAROTTUPARAMBIL GOVINDAN,
PADINJARAGANDI KALLADATHUR P.O.,
KOOTTANAD, PALAGHAT DISTRICT, PIN -679 552.**

OP(C).NO.1345/2015

6. M.K.SUNDARAN, AGED 58 YEARS,
S/O.MOORAKATTU KARAPPUNNI, VADAKKUMMURI,
PATTAMBI P.O., PALAKKAD - 679 303.

R1 BY ADV. SRI.P..SANTHOSH (PODUVAL) (CAVEATOR)

R3 BY ADVS. SRI.SANTHOSH P.PODUVAL

SMT.R.RAJITHA

SMT.VINAYA V.NAIR

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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OP(C).No. 1345 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: A TRUE COPY OF THE ORDER DATED 20.1.2015 IN I.A.NO.1359/2015 IN O.S. 4430/2014 ON THE FILES OF THE MUNSIFF'S COURT, THRISSUR.
- EXT.P-2: A TRUE COPY OF THE ORDER DATED 15.1.2015 IN I.A.NO.13705/2014 IN O.S. 4430/2015 ON THE FILES OF THE MUNSIFF'S COURT, THRISSUR.
- EXT.P-3: A TRUE COPY CAVEAT FILED BEFORE THE MUNSIFF COURT, THRISSUR.
- EXT.P-4: A TRUE COPY PLAINT IN O.S. 4430/2014 ON THE FILES OF THE MUNSIFF'S COURT, THRISSUR.
- EXT.P-5: A TRUE COPY OF THE COUNTER AFFIDAVIT IN I.A.NO.13705/2015 ON THE FILES OF THE MUNSIFF'S COURT, THRISSUR.
- EXT.P-6: A TRUE COPY BYLAW OF THE AKHILA KERALA PERUMKOLLA SAMAJAM.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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B. KEMAL PASHA, J.

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O.P.(C) No.1345 of 2015
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Dated this the 25th day of June, 2015

J U D G M E N T

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Ext.P2 order shows that the same was passed without hearing the respondents. The learned counsel for the respondents has pointed out that a caveat was filed in the matter and initially, notice was served. The matter was posted for counter and hearing. In the meanwhile, without giving notice to the counsel for the caveator, the petitioner got advanced the matter. On that day, the learned counsel for the caveator was not aware of the fact that the matter was going to be heard. The matter was advanced behind the back of the counsel for the caveator and Ext.P2 order was passed by stating that there was no representation for the respondent, even though the counter was filed. Subsequently, the court below has come to know that when the matter was advanced, no notice was given. It was on

that ground, the court below has passed Ext.P1 order by keeping in abeyance Ext.P2 order.

2. On hearing both sides, this Court is of the view that this O.P.(Civil) can be disposed of directing the court below to dispose of I.A.No.13705/2014, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

O.P.(Civil) is disposed of accordingly.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/06

// True Copy //

PA to Judge