

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

OP(C).NO. 3742 OF 2013 (O)

**AGAINST THE ORDER IN I.A.NO.3258/2012 IN O.S.NO.308/2012 OF THE SUB COURT,
OTTAPALAM DATED 4.3.2013**

PETITIONER/RESPONDENT/PLAINTIFF:

**RADHAKRISHNAN, AGED 52 YEARS,
S/O.NECHULLI NARAYANAN NAIR, ARIYOOR AMSOM DESOM,
MANNARKKAD TALUK, PALAKKAD.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT/PETITIONER/DEFENDANT:

**SIDHARTHAN, AGED 58 YEARS
S/O.RAMANKUTTY, KOLANGARAPARAMBIL HOUSE,
PERAMANGALAM VILLAGE DESOM,
THRISSUR DISTRICT 680 545.**

R1 BY ADV. SRI.K.V.GOPINATHAN NAIR

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 25-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AS

OP(C).NO. 3742 OF 2013 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE PLAINT IN O.S NO.308 OF 2012 DATED
25-09-2012 ON THE FILES OF THE HON'BLE SUB
COURT, OTTAPALAM.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 4-3-2013 IN
I.A NO. 3258/2012 IN O.S NO.308/2012 ON THE FILES OF THE
HON'BLE SUB COURT, OTTAPALAM.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A TO JUDGE

AS

A.HARIPRASAD, J.

O.P.(C).No.3742 of 2013

Dated this the 25th day of June, 2015

J U D G M E N T

Challenge in this petition under Article 227 of the Constitution of India is against Ext.P2 order passed by the learned Sub Judge, Ottapalam on I.A.No.3258 of 2012 in O.S.No.308 of 2012. The petition was filed by defendant in the suit requesting the court to hand over the R.C.Book, permit and other documents in respect of a bus. It was contended that the plaintiff, who had sold the bus to the defendant, illegally retained the documents. The suit is one for realisation of money. Subject matter of the dispute is the bus. According to the plaintiff, the bus was having a hire purchase liability and the defendant purchased the vehicle on condition that he would discharge the same. It is alleged that the defendant committed default in payment of the hire purchase instalments and the plaintiff had to discharge the same. Hence, the suit for realisation of money was filed. The defendant disputed the allegations in the plaint. After considering the entire

matters, the learned Sub Judge allowed the petition in part and directed the plaintiff to hand over permit of the bus involved in the dispute to the defendant on certain conditions. That order is challenged. As directed by this court, learned Sub Judge submitted a report on 31.10.2013, stating that the impugned order has been effectuated by handing the over temporary permit and stage carriage permit of the vehicle to the defendant by the plaintiff. In this context, I am of the view that the Original Petition has become infructuous. Therefore, this Original Petition (Civil) is disposed of. The court below shall expedite trial of the matter and dispose of the suit on merits untrammelled by any of the observations contained in this judgment and in accordance with law.

A.HARIPRASAD, JUDGE.

AS