

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. 1509 of 2015 (O)

(OS.NO. 664/2008 OF ADDL.SUB COURT, KOTTAYAM)

PETITIONER/DEFENDANT :

JAGANATHA PRASAD @ REGHU, AGED 52 YEARS,
S/O LATE C.SAHADEVAN, RESIDING AT C.S.SADANAM,
T.B.ROAD, KODIMATHA KARA, KOTTAYAM VILLAGE, KOTTAYAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENT(S)/PLAINTIFFS :

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1. RAJENDRA PRASAD, AGED 54 YEARS,
S/O.LATE C.SAHADEVAN,4-C, CENTURY TOWERS,
NEAR Y.W.C.A., KOTTAYAM-1, NOW RESIDING AT 19
JEEVAN SARTH HOUSING SOCIETY, OLD PIPELINE ROAD,
VAKOLA, SANTACRUZ, MUMBAI-55
 2. MADHUBALA GOPALAN, AGED 50 YEARS,
W/O.CO.R.P.GOPALAN (RETD), SRIKRISHNANIKETHAN,
NMC NO.IX/501, RAILWAY STATION ROAD,
NEYATTINKARA,PIN-695 121
 3. SURABALA MURALI, AGED 47 YEARS, W/O.V.M.MURALI,
RESIDING AT VELLAPPALLY BUNGLOW,
PERINNIRMANGALAM KARA, MARARIKULAM (N) VILLAGE,
KANICHUKULANGARA.P.O., CHERTHALA-688 582

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).NO.1509/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PLAINT IN O.S.NO.664/2008 DATED 31/10/2008 FILED BEFORE THE ADDITIONAL SUB JUDGE, KOTTAYAM.**
- P2 COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER/DEFENDANT**
- P3 COPY OF THE I.A.NO.658/2015 IN O.S.NO.664/2003 DATED 21/05/2015**
- P4 COPY OF THE I.A.800/2015 IN O.S.NO.664/2003 DATED 15/06/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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O.P.(C).No.1509 of 2015

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Dated this the 26th day of June, 2015

J U D G M E N T

The complaint of the petitioner is that even though he has taken up a contention that the suit is grossly undervalued, the court below has not cared to decide the said matter as a preliminary issue at first. Exhibit P2 is the written statement filed by the defendant, who is the petitioner herein. It seems that by way of passing remark in paragraph 8, it is contented that “The suit is not properly valued.” Apart from that, any concrete ground specifically pointing out as to the way in which the suit is undervalued, has not been pleaded. That may be the reason why the court below has not considered the said aspect as a preliminary issue. Whatever it is, it seems that the suit is presently in the list. The court below shall consider the question regarding the valuation of the suit during trial.

With the said observations, this Original Petition (Civil)
is closed.

Sd/-

B.KEMAL PASHA
JUDGE