

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

OP(C).No. 1621 of 2015 (O)

IA.69/2014 IN A.A.NO.18/2014 OF APPELLATE AUTHORITY (LAND REFORMS) THRISSUR.

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PETITIONER:

KORMATH ABDUL RASHEED, AGED 45 YEARS,
S/O. LATE KUNHIMUHAMMED, P.O. MANJERI,
N.S.S COLLEGE, VIA MANJERI, ERNAD TALUK,
MANJERI AMSOM DESOM,
MALAPPURAM DISTRICT- 676 121.

BY ADV. SRI.HARISH R. MENON

RESPONDENT(S):

1. MUHAMMED RAFI, AGED 48 YEARS,
S/O.THENNADAN ALI, ERNAD TALUK,
MANJERI AMSOM DESOM, MULLAMPARA,
P.O. MANJERI, MALAPPURAM DISTRICT, PIN -676 121.
2. SREEDEVI, AGED 67 YEARS, D/O. LATE KAVUNGAL
MANGALASSERY MANAKKAL DAMODARAN NAMBOOTHIRIPAD,
W/O. UDAYAN NAMBOOTHIRI, PULIYANNOOR MANA, EROOR,
TRIPUNITHURA, ERNAKULAM, PIN - 682 306.
3. K.M. UMADEVI, AGED 65 YEARS,
W/O. KRISHNAN NAMBOOTHIRI, MADAMBI MANA,
MANNAMPATTA, P.O. SREEKRISHNAPURAM,
PALAKKAD DISTRICT, PIN -679 513.
4. K.M. LALITHA, W/O. SANKARANARAYANAN,
PATHIYIL MANA, MEZHATHUR,
P.O THRITHALA, PALAKKAD DISTRICT, PIN - 679 534.
5. K.M. BHADRA, AGED 61 YEARS, W/O.NARENDRA,
P.K. SADANAM, CHERAMKUTHU,
P.O. MANJAPPATTA, MALAPPURAM DISTRICT, PIN .

6. DAMODARAN NAMBOOTHIRIPAD,
S/O. LATE DAMODARAN NAMBOOTHIRIPAD,
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
7. KESAVAN NAMBOOTHIRIPAD, AGED 57 YEARS,
S/O. LATE DAMODARAN NAMBOOTHIRIPAD,
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
8. THIRIPURA K.M., AGED 55 YEARS,
W/O. NARAYANAN, KODOTH MANA, MANNAMPATTA,
P.O. SREEKRISHNAPURAM, PALAKKAD DISTRICT, PIN- 679 513.
9. DEVASENA, AGED 53 YEARS, W/O. PARAMESWARAN,
MANGALATH MANA, BRAHMAKULAM,
P.O. GURUVAYOOR, THRISSUR DISTRICT, PIN - 680 101.
10. K.M. SIVANARAYANAN, AGED 51 YEARS,
S/O. LATE DAMODARAN NAMBOOTHIRIPAD,
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
11. K.M. ANUJAN, AGED 45 YEARS,
S/O. LATE DAMODARAN NAMBOOTHIRIPAD,
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
12. SUBRAMANIAN K.M, AGED 45 YEARS,
S/O. LATE DAMODARAN NAMBOOTHIRIPAD
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
13. SUBHADRA ANTHARJANAM, AGED 83 YEARS,
W/O. LATE DAMODARAN NAMBOOTHIRIPAD,
KAVUNGAL MANGALASSERY MANA, P.O. ELAMKOOR,
MALAPPURAM DISTRICT, PIN - 676 122.
14. THE APPELLATE AUTHORITY (LAND REFORMS),
THRISSUR, PIN - 680 001.

R14 BY GOVERNMENT PLEADER SRI.REJI JOSEPH
BY ADV.SMT.U.K.DEVIDAS

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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OP(C).No. 1621 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- A TRUE COPY OF THE PLAINT DATED 08/04/2014 IN O.S 223/2014
PENDING BEFORE THE MUNSIFF COURT, MANJERI.
- EXHIBIT-P2- A TRUE COPY OF THE WRITTE STATEMENT FILED BY THE
IST DEFENDANT IN THE SUIT O.S 223/2014, MUNSIFF COURT,
MANJERI.
- EXHIBIT-P3- A TRUE COPY OF THE APPEAL MEMORANDUM DATED 25/04/2014 IN
A.A 18/2014 TOGETHER WITH I.A 69/2014 FILED BEFORE THE
APPELLATE AUTHORITY (LAND REFORMS), TRICUR.
- EXHIBIT-P4- A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN
I.A 69/2014 IN A.A NO. 18/2014.
- EXHIBIT-P5- TRUE COPY OF THE ORDER DATED 14/05/2015 BY THE APPELLATE
AUTHORITY.
- EXHIBIT-P6- TRUE COPY OF THE JUDGMENT DATED 18/06/2015 IN
O.P(CIVIL) 1395/2015.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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O.P.(C) No.1621 of 2015
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Dated this the 8th day of July, 2015

J U D G M E N T

What is under challenge is Ext.P5 order passed by the Appellate Authority(LR), Thrissur. Through Ext.P5, it seems that the Appellate Authority has condoned the delay of 2044 days occurred in filing the appeal.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. According to the learned counsel for the petitioner, no opportunity was given to the petitioner to substantiate the fact that the delay was not liable to be condoned. On a perusal of Ext.P5 it seems that the Appellate Authority has not adverted to the contentions resorted to by the petitioner. Ext.P5 cannot be treated as an

order on merits. Matters being so, Ext.P5 is liable to be set aside and the matter is liable to be remitted to the Appellate Authority for fresh disposal in accordance with law, after giving an opportunity to both sides.

In the result, Ext.P5 order is set aside and the matter is remitted to the Appellate Authority for fresh disposal in accordance with law, after giving an opportunity to both sides. There will be a further direction to the Appellate Authority to dispose of IA No.69/2014, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

B.KEMAL PASHA, JUDGE

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