

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

OP(C).No. 1656 of 2015 (O)

**I.A.NO.1467/2015 IN O.S.NO.485/2011 OF THE ADDITIONAL MUNSIF COURT,
KOTTAYAM**

PETITIONER(S) :

**ANISH KUMAR.K,
S/O.RAMAKRISHNA PILLAI, KALAPURAYIDATHIL HOUSE,
KANAM KARA, VAZHUR VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.T.PRASAD
SRI.A.HAROON RASHEED**

RESPONDENT(S) :

**P.V.CHERIYAN,
S/O.VARGHESE, PULLUKATTU HOUSE, VAKATHANAM KARA,
VAKATHANAM VILLAGE, KOTTAYAM TALUK,
KOTTAYAM DISTRICT, PIN- 686 001.**

BY ADV. SRI.M.NARENDRA KUMAR

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 17-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 1656 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: THE TRUE COPY OF THE PLAINT IN O.S.NO.672/2014 OF
THE ADDITIONAL MUNSIFF COURT, KOTTAYAM.**

**EXHIBIT P2: THE TRUE COPY OF THE WRITTEN STATEMENT IN
O.S.NO. 672/2014 OF THE ADDITIONAL MUNSIFF COURT,
KOTTAYAM.**

**EXHIBIT P3: THE TRUE COPY OF THE I.A.NO.1467/2015 IN O.S.NO.672/2014 OF
THE ADDITIONAL MUNSIFF COURT, KOTTAYAM.**

**EXHIBIT P4: THE TRUE COPY OF THE COUNTER IN I.A.NO.1467/2015 IN
O.S.NO.672/2014 OF THE ADDITIONAL MUNSIFF COURT,
KOTTAYAM.**

**EXHIBIT P5: THE TRUE COPY OF THE ORDER IN I.A.NO.1467/2015 IN
O.S.NO. 672/2014 OF THE ADDITIONAL MUNSIFF COURT,
KOTTAYAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

O.P.(C).No. 1656 of 2015

Dated this the 17th day of November, 2015

J U D G M E N T

Petitioner is the plaintiff in OS 672 of 2015 on the file of Additional Munsiff, Kottayam. The suit is for realization of Advocate fees payable to the petitioner by the respondent/defendant. The petitioner filed an application under Order 38 Rule 5 CPC for attachment of an amount. After hearing both sides, the learned Munsiff has dismissed the application. This is challenged in this OP.

2. Heard.

3. The learned counsel for the respondent Sri.Narendra Kumar submits that Ext.P5 order is an appellable one and OP is not maintainable. The impugned order has been passed under Order 38 Rule 6 CPC. It is appellable under Order 43 Rule 1 (q) CPC. OP is not maintainable.

In the result, this OP is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge