

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

OP(C).No. 1842 of 2015 (O)

OS. NO.142/2008 OF SUB COURT, THALASSERY.

.....

PETITIONER/DEFENDANT:

**K. DILEEPAN, S/O. ACHUTHAN,
AGED 51 YEARS, BUSINESS, CHALAYIL HOUSE,
P.O. MUNDALLOOR, PERALASSERY.**

BY ADV. SRI.T.P.PANKAJAKSHAN.

RESPONDENTS/DEFENDANT:

- 1. C.C. ASOK KUMAR, S/O. LATE NARAYANA KURUP,
AGED 57 YEARS, THAIPARAMBATH HOUSE,
P.O KOTTAYAM POYIL, VIA. PATHAYAKUNNU, PIN -670 691.**
- 2. PANNIYOT VASU, S/O.LATE RAMUNNI,
AGED 68 YEARS, PENSIONER, VADAKKEYIL HOUSE,
P.O KOTTAYAM POYIL, KOTTAYAM MALABAR, PIN- 670 643.**
- 3. VALLIL MANAPPATTI RAJA VALSALA,
W/O. PANNIYOT VASU, HOUSE WIFE, VADAKKEYIL HOUSE,
P.O KOTTAYAM POYIL, PIN- 670 643.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP(C).No. 1842 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE PLAINT IN O.S. NO.142/2008 OF
SUB COURT, THALASSERY.
- EXHIBIT P2 TRUE COPY OF THE APPLICATION TOGETHER WITH
SUPPORTING AFFIDAVIT DATED 31-07-2008.
- EXHIBIT P3 TRUE COPY OF THE WRITTEN STATEMENT.
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT PASSED IN O.S NO.142/2008
DATED 25-09-2010.
- EXHIBIT P5 TRUE COPY OF THE DECREE PASSED IN O.S NO.142/2008
DATED 25-09-2010.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1842 of 2015
.....

Dated this the 3rd day of August, 2015

J U D G M E N T

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It seems that the challenge is against the judgment passed by the court below. It is alleged by the petitioner that the then counsel appearing for the petitioner had recorded before the court below that the suit was not pressed even when there was no such instruction from the petitioner to the learned counsel. Whatever it is, the present challenge is against the judgment and decree. Let the party file an appeal. When an appeal is maintainable, the present proceedings is not maintainable.

Hence, this O.P.(Civil) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/08

// True Copy //

PA to Judge