

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

OP(C).No. 1987 of 2015 (O)

OS.NO.284/2011 OF SUB COURT, TIRUR

PETITIONER(S)/4TH DEFENDANTS:

SAFOORA, AGED 37 YEARS,
D/O. PATTATHU ASSANARUKUTTY, UNNIYAL P.O.,
PUTHIYAKADAPPURAM, NIRAMARUTHOOR AMSOM DESOM, TANUR,
MALAPPURAM DISTRICT.

BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH

RESPONDENT(S)/PLAINTIFF/DEFENDANTS 1, 2, 3 & 5:

1. KUNJALAKATHU SIDIQUE, AGED 61 YEARS,
S/O. KUNJALI, PACHATTIRI AMSOM, PARAVANNA DESOM,
P.O.PARAVANNA, TIRUR TALUK,
MALAPPURAM DISTRICT - 676 101.
2. BAPPU, AGED 50 YEARS,
S/O. PATTATHU ASSANARUKUTTY, PATTACHIRI AMSOM,
PARAVANNA DESOM, P.O.VAKKADU,
MALAPPURAM DISTRICT - 676 502.
3. KUNJIMOL, AGED 45 YEARS,
W/O. KUPPANPURAKKAL BASHEER, P.O.PUTHIYAKADAPPURAM,
NIRAMARUTHUR AMSOM DESOM,
MALAPPURAM DISTRICT - 676 001.
4. FATHIMATH SUHURA, AGED 36 YEARS,
W/O. SULFIKHAR, KANNUKKARANTE PURAKKAL, EDAKKEPPURAM,
RAYIRAMANGALAM, TANUR AMSOM DESOM,
MALAPPURAM DISTRICT - 676 302.
5. SAINAB,
W/O. PATTATHU ASSANARUKUTTY, PATTACHIRI AMSOM,
PARAVANNA DESOM, P.O.VAKKADU,
MALAPPURAM DISTRICT 676502.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 13-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 1987 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE PLAINT IN OS NO. 284/2011.**
- P2- TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER DT. 17.8.2014.**
- P3 - TRUE COPY OF THE IA NO. 1505/2014 DT. 17.8.2014 FILED BY THE PETITIONER FOR CONDONING THE DELAY IN FILLING THE WRITTEN STATEMENT AND TO ACCEPT THE SAME.**
- P4 - TRUE COPY OF THE ORDER IN IA NO. 1505/2014 DT. 11.6.2015 DISMISSING EXT. P3 APPLICATION.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
O.P.(C) No. 1987 of 2015
.....

Dated this the 13th day of August, 2015

J U D G M E N T

Heard.

2. The 4th defendant in the suit before the court below has filed a written statement belatedly, with an application before the court below for receiving the written statement. The court below has dismissed the said application through Ext.P4 on the ground that the written statement was filed belatedly. It is a fact that the other defendants have filed written statement in the matter. The suit has not been listed for trial so far. In such a context, even though the written statement was filed belatedly, the court below ought to have accepted the written statement.

Apart from that, no decree against the petitioner has been passed under Order VIII Rule 10 of the Code of Civil Procedure, 1908. Matters being so, Ext.P4 order is liable to be set aside.

In the result, this Original Petition is allowed and Ext.P4 order stands set aside. The court below is directed to receive the written statement filed by the 4th defendant/petitioner and permit him to contest the proceedings before the court below.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge