

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

OP(C).No. 2129 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN OS 10/2014 of SUB COURT,
KARUNAGAPPALLY DATED 31-08-2015

PETITIONER(S):

SHAMNAD AGED 33 YEARS
S/O. THAHA, MANATHEL PUTHEN VEEDU, KADATHOOR MURI
KULASEKHARAPURAM P.O, KARUNAGAPPALLY

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S):

MUHAMMED ASHRAF
S/O. HAMEED KUTTY, PANACHERIL HOUSE, KEERIKADU P.O
KARTHIKAPPALLY, ALAPPUZHA 690 510

R BY SRI.K.S.RAJIV THEVALLY

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 20-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PLAINT O.S 10/2014 FILED BEFORE THE SUB COURT, KARUNAGAPPALLY DATED NIL

EXHIBIT P2 TRUE COPY OF THE WRITTEN STATEMENT DATED 16/7/2014 IN O.S 10/2014 BEFORE THE SUB COURT, KARUNAGAPPALLY

EXHIBIT P3 TRUE COPY OF THE APPLICATION I.A NO 999/2015 DATED 31/8/2015 IN O.S 10/2014 BEFORE THE SUB COURT, KARUNAGAPPALLY

EXHIBIT P4 TRUE COPY OF THE SETTLEMENT DATED 1/10/2012 IN B.A NO 4830/2012 AND B.A 5655/2012 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

EXHIBIT P5 TRUE COPY OF THE RODER DATED 9/10/2012 B.A 5655/2012 BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

EXHIBIT P6 TRUE COPY OF THE APPLICATION DATED 22/8/2015 IN CRIME NO 1279/2012 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, KARUNAGAPPALLY NUMBERED AS CRIMINAL M.P NO 5514/2015

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

ABRAHAM MATHEW, J.

O.P.(C).No.2129 of 2015

Dated this the 20th day of October, 2015

J U D G M E N T

Petitioner is the plaintiff in O.S.10 of 2014 of Sub Court, Karunagappally. When the suit was posted for trial, he has filed this petition to direct the Sub Judge not to take up the case for trial. The ground is that the petitioner has to produce some more documents which he has not obtained so far. This court cannot interfere with the discretion of the trial court. I do not find any justification to invoke the power of this court under Article 227 of the Constitution.

In the result, this O.P is dismissed. If the application filed by the petitioner has not been disposed so far, the trial court shall dispose it of forthwith.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge