

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

O.P(C).No. 2175 of 2015 (O)

O.S.NO. 754/2012 of PRINCIPAL MUNSIF'S COURT, KOLLAM DATED 12-08-2015

PETITIONER/PLAINTIFF:

**REGHUNATHAN ASAN, AGED 63 YEARS,
S/O. SANKUNNI PANICKER, SARALA NIVAS, MUNDAKKAL EAST,
KOLLAM-690 010**

**BY ADVS. SRI. P.B.SAHASRANAMAN
SRI. T.S.HARIKUMAR
SRI. K.JAGADEESH
SRI. RAAJESH S.SUBRAHMANIAN**

RESPONDENT(S)/DEFENDANTS:

- 1. KUNJU PILLAI SAROJINI,
THAYYIL PUTHEN MADOM, PUTHENTHURA P.O.,
CHAVARA - 691 010.**
- 2. SAROJINI GEETHA,
THAYYIL PUTHEN MADOM, PUTHENTHURA P.O.,
CHAVARA - 691 582.**
- 3. KUNJU PILLAI SREEKUMARY,
MOHANA MANDIRAM, MUNDAKKAL EAST, KOLLAM - 691 010.**
- 4. BHARATHI SEETHABHAI,
AMBIKA SADANAM, NALLILA, KOLLAM - 691 515.**
- 5. SREEDHARA ASAN SUGATHAN ASAN,
AZHAKATHU PUTHEN VEEDU, NALLILA, KOLLAM - 691 515.**
- 6. BHARATHI SUPRABHA,
AMBIKA SADANAM, NALLILA, KOLLAM - 691 515.**
- 7. KUNJI CHALLI PONNAMMA,
KULANGARAZHIKATHU VEETIL, MUNDAKKAL EAST,
KOLLAM - 691 010.**

8. KUNJI CHALLI SOBHANA,
KULANGARAZHIKATHU VEETIL, MUNDAKKAL EAST,
KOLLAM - 691 010.
9. SOBHANA SUDHARMA,
KULANGARAZHIKATHU VEETIL, MUNDAKKAL EAST,
KOLLAM - 691 010.
10. KARUNAKARAN REAJENDRA BABU ASAN,
KULANGARAZHIKATHU VEETIL, MUNDAKKAL EAST,
KOLLAM-691 010.
11. SOBHANA SUSHAMMAKUMARI,
KULANGARAZHIKATHU VEETIL, MUNDAKKAL EAST,
KOLLAM - 691 010.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 10-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P(C).No. 2175 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE PHOTOSTAT COPY OF THE COMMON ORDER OF THE
 PRINCIPAL MUNSIFF'S COURT, KOLLAM IN I.A.NO. 833/2013 AND
 I.A.NO. 1548/2013 IN O.S.NO. 754/2012 DT. 12/08/15.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

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K.ABRAHAM MATHEW, J

O.P.(C)NO.2175 OF 2015

Dated this the 10th day of September, 2015

J U D G M E N T

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Petitioner is the plaintiff in O.S.No.754 of 2012 on the file of the Principal Munsiff's Court, Kollam. There was a delay on the part of the defendants/respondents in filing the written statement. By Ext.P1 order the learned Munsiff gave them permission to file written statement in spite of the delay. The legality of the order is challenged.

2. Heard.

3. Admittedly, there are seven defendants. They were served summons on different dates. One or some of them were served summons on November 1<sup>st</sup> 2012. The written statement was filed only on 01.03.2013. It is submitted by the counsel that the application for sanction to file a written statement was filed only after filing of the written statement and not before or along with it, moreover, there is no explanation for the delay.

4. It is seen from the impugned order that defendant's explanation was that they wanted to obtain

copies of certain documents to enable them to file written statement. The learned counsel submits that even the application for those copies was filed only on 11.02.2013, after expiry of 90 days from the date of service of the summons on the defendants. That is true. The explanation given by the respondents cannot be said to be proper if the rules are interpreted strictly. But the learned Munsiff allowed the application for sanction on payment of cost of Rs.5000/- which appears to be more than reasonable. No prejudice has been caused to the petitioner. So I think this is not a fit case to invoke the jurisdiction of this court under Article 227 of the constitution.

In the result, this O.P is disposed of with the above observation.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

//True Copy//

PA to Judge