

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

OP(C).No. 2186 of 2015 (O)

AGAINST THE ORDER IN OS NO.77/2013 of MUNSIF COURT, CHITTUR DATED
11.03.2015

PETITIONER(S)/PETITIONER & PETITIONER/PLAINTIFF:

GANGADHARAN M. ,
S/O.MADHAVAN.C.K. , KOLLAYANKADU
NENMARA VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT
NOW RESIDING AT: CHATTIYODE HOUSE, POTHUNDI P.O.
NENMARA VIA. , CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT(S)/RESPONDENTS & RESPONDENTS/DEFENDANTS:

1. ABDUL KHADER,
S/O.MANICKA RAWTHER, CHATTIYOTTIL HOUSE, POTHUNDI.P.O.
NENMARA VIA. , CHITTUR TALUK, PALAKKAD DISTRICT 678505.

2. C.K. MADHAVAN, S/O.KAMBI,
CHATTIYOTTIL HOUSE, POTHUNDI.P.O. , NENMARA VIA.
CHITTUR TALUK, PALAKKAD DISTRICT 678505.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 2186 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.NO.77/2013 ON THE FILE OF
MUNSIFF'S COURT AT CHITTUR.

EXT.P2: TRUE COPY OF THE WRITTEN STATEMENT FILED IN EXT-P1 SUIT
BY THE RESPONDENT NO.2.

EXT.P3: TRUE COPY OF THE I.A.NO.2349/2014 FILED IN EXT.P1 SUIT.

EXT.P4: TRUE COPY OF THE ORDER DATED 28.01.2015 PASSED IN RPIA
NO.2349/2014 IN EXT.P1 SUIT.

EXT.P5: TRUE COPY OF THE I.A.NO.291/2015 FILED IN EXT.P3
PETITION.

EXT.P6: TRUE COPY OF THE ORDER DATED 11.03.2015 PASSED IN EXT.P5
PETITION.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

K.ABRAHAM MATHEW, J.

O.P.(C).No.2186 of 2015

Dated this the 19th day of October, 2015

J U D G M E N T

Petitioner was the plaintiff in O.S.No.77 of 2013 of Munisff's Court, Chittur which was dismissed for default, when it came up for trial in list. Restoration application filed by the petitioner was allowed on payment of ₹5,000/- within ten days. Since the cost was not paid, his application stands rejected. The prayer in this original petition is to set aside the orders.

2. Heard.

3. The ground stated by the petitioner is that he is a driver by occupation and he had gone to North India, for which reason he could not comply with the direction. On the facts of the case, I am inclined to grant the prayer of the petitioner.

In the result, this original petition is allowed. Exts.P4 and P6 orders are set aside and Ext.P5 application is allowed, provided the petitioner pays an amount of ₹1,500/- (Rupees One thousand and five hundred only) to the credit of High Court Legal Services Committee within 15 days from today

and produce the receipt before the trial court. He shall likewise pay the amount of ₹5,000/- mentioned above within two weeks.

Sd/-
K.ABRAHAM MATHEW, JUDGE

AV