

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

OP(C).No. 2205 of 2015 (O)

IA NO. 3279/2014 IN OS NO. 412/2012 OF MUNSIFF COURT, KOTTARAKKARA

PETITIONER/1ST PLAINTIFF :

**RAJENDRAN
MUNDUMAM VILA PADINJATTATHIL,
MULAVANA VILLAGE, KUNDARA,
KOLLAM DISTRICT.**

BY ADV. SRI. V. PREMCHAND

RESPONDENTS/DEFENDANTS 1 AND 2 :

- 1. THE CO-OPERATIVE URBAN BANK
KOTTARAKKARA BRANCH, KOTTARAKARA, KOLLAM DISTRICT
REPRESENTED BY ITS SECRETARY- 691533**
- 2. SINDHU BHAI
KUZHIVELI VEEDU, VETTIKAVALA, KOTTARAKARA
KOLLAM DISTRICT – 691533.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 13-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP(C).No. 2205 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1: TRUE COPY OF THE PLAINT DATED 26.7.2012 IN OS.NO.412/2012 IN
MUNSIFF COURT, KOTTARAKARA.

EXT. P2: TRUE COPY OF THE APPLICATION DATED 13.03.2014 FILED BY THE
FIRST DEFENDANT.

EXT. P3: TRUE COPY OF THE OBJECTION DATED 03.09.2014 FILED BY THE
PETITIONER.

EXT. P4: TRUE COPY OF THE ORDER DATED 29.06.2015 IN IA.3279/2014 IN
OS.NO.412/2012 IN MUNSIFF COURT, KOTTARAKARA.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2205 of 2015

Dated this the 13th day of October, 2015

J U D G M E N T

Petitioner was the plaintiff in O.S.No.412 of 2012 on the file of Munsiff, Kottarakara. After hearing both parties the court found that the suit is not maintainable for want of jurisdiction and it ordered return of the plaint by Ext.P4 order. This is challenged in this O.P.

2. Heard.

3. Under Order 43 Rule 1 CPC an order passed under Order 7 Rule 10 of the Code returning a plaint to be presented to the proper court is appealable except where Rule 10 (A) of the court has been complied with. In this case Rule 10 CPC has not been complied with. Since the impugned order is an appealable order, this O.P is not maintainable.

In the result, this O.P is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge