

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

OP(C).No. 2272 of 2015 (O)

OS. NO.8/2011 OF SUB COURT, OTTAPPALAM.

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PETITIONER(S):

**PUSHPAVALL, AGED 48 YEARS,
D/O.LATE NADUVATH KULATHIL BHARGAVI AMMA,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.K.RAVI (PARIYARATH).

RESPONDENT(S):

- 1. KALLIYANIKUTTY, AGED 65 YEARS,
D/O.LATE NADUVATH KULATHIL MADHAVI AMMA,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 2. VASANTHI, AGED 46 YEARS,
W/O.NADUVATH KULATHIL MURALIDHARAN,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 3. UDHAYAKUMAR, AGED 39 YEARS,
S/O.KALLIYANIKUTTY, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 4. DINESH KUMAR, AGED 35 YEARS,
S/O.KALLIYANIKUTTY, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 5. VIJJAYALAKSHMI, AGED 67 YEARS,
D/O.LATE NADUVATH KULATHIL MADHAVI AMMA,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

6. UNNIKRISHNAN, AGED 60 YEARS,
S/O.LATE NADUVATH KULATHIL MADHAVI AMMA,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
7. RATHI, AGED 43 YEARS,
W/O.LATE SETHU MADHAVAN, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
8. SUDHIP, AGED 23 YEARS,
S/O.LATE SETHU MADHAVAN, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
9. GAYATHRI, AGED 18 YEARS,
D/O.LATE SETHU MADHAVAN, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
10. LAKSHMIKUTTY AMMA, AGED 83 YEARS,
W/O.LATE ACHUTHAKURUPP, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
11. KALLIYANIKUTTY AMMA, AGED 63 YEARS,
D/O.LATE ACHUTHAKURUPP, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
12. SARASWATHY, AGED 55 YEARS,
D/O.LATE ACHUTHAKURUPP, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
13. RAMANI, AGED 52 YEARS,
D/O.LATE ACHUTHAKURUPP, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.
14. ACHTHAMURALI, AGED 43 YEARS,
S/O.LATE ACHUTHAKURUPP, NADUVATH KULATHIL,
VANIYAMKULAM AMSOM, KOTHAYOOR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT FILED AT THE INSTANE OF THE PETITIONER AS O.S. NO.08/11 ON THE FILE OF THE SUB COURT, OTTAPPALAM DATED 03/01/2011.
- EXT.P2 COPY OF THE WRITTEN STATEMENT FILED BY THE 1ST DEFENDANT IN O.S. NO.08/11 ON THE FILE OF THE SUB COURT, OTTAPPALAM DATED 29/07/2011.
- EXT.P3 COPY OF THE AFFIDAVIT FILED AT THE INSTANCE OF THE 1ST DEFENDANT STATING THAT THE WILL AS CONTENTED BY THE PLAINTIFF IS NOT IN HER POSSESSION DATED 08/09/2015.
- EXT.P4 COPY OF THE APPLICATION FILED AT THE INSTANCE OF THE PETITIONER TO REOPEN THE EVIDENCE AS I.A. NO.1892/2015 IN O.S. NO.08/2011.
- EXT.P5 COPY OF THE APPLICATION FILED UNDER RULE 120 OF THE CIVIL RULES OF PRACTICE SEEKING CROSS PRODUCTION OF A DOCUMENT WITH THE AIDE OF THE WITNESS AS I.A. NO.1894/15 IN O.S. NO.08/2011 ON THE FILE OF THE SUB COURT, OTTAPPALAM AT THE INSTANCE OF THE PETITIONER DATED 09/09/2015.
- EXT.P6 COPY OF THE APPLICATION FILED SEEKING TO RECEIVE ADDL. WITNESS LIST FILED AS I.A. NO.1893/15 IN O.S. NO.08/2011, ON THE FILE OF THE SUB COURT, OTTAPPALAM AT THE INSTANE OF THE PETITIONER DATED 09/09/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

O.P.(C)No.2272 of 2015

Dated this the 23rd day of September, 2015

J U D G M E N T

Petitioner is the plaintiff in O.S.8 of 2011 on the file of Sub Court, Ottapalam. The suit is for partition. After the evidence was closed, she has filed Exts.P4 to P6 to reopen the evidence, to direct production of certain documents by a public servant and to issue summons to witnesses. Her only complaint is that the Sub Judge has not disposed them of.

2. Heard.

3. I am satisfied that a direction to the Sub Judge to dispose of Exts.P4 to P6 applications should be given.

In the result, this O.P is allowed. The learned Sub Judge is directed to dispose of Exts.P4 to P6 before the disposal of the suit itself.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge