

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

OP(C).No. 2357 of 2015 (O)

I.A. NO.3069/2015 IN O.S. NO.486/2012 OF II ADDITIONAL SUB COURT, ERNAKULAM.
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PETITIONERS/PLAINTIFFS 1 AND 2:

- 1. M/S. GREEN VALLEY FARMS,
VEETTIKUNDU ROAD, KOTTATHARA P.O.,
ATTAPPADI, PALAKKAD DISTRICT,
REPRESENTED BY ITS PARTNER BOBBY AUSTINE,
RESIDING AT KAPPUKATTIL HOUSE,
CHAKKITAPARA P.O., KOZHIKODE-673 526.**
- 2. BOBBY AUSTINE, S/O.K.A. AUGUSTINE,
RESIDING AT KAPPUKATTIL HOUSE,
CHAKKITAPARA P.O., KOZHIKODE-673 526.**

**BY ADVS.SRI.M.BALAGOVINDAN,
SRI.SUBHASH CYRIAC.**

RESPONDENTS/3RD PLAINTIFF AND DEFENDANTS 1 TO 3:

- 1. AJEESH JOSE, S/O.JOSE THOMAS,
PALAMTHALAKKAL, CHAKKITTAPPARA P.O.,
CALICUT DISTRICT, REPRESENTED BY ITS
POWER OF ATTORNEY MR.BENNY JACOB,
S/O.JACOB, KIZHAKKETHARA HOUSE,
CHAKKITTAPPARA P.O., CALICUT-673 001.**
- 2. THE SYNDICATE BANK,
REGIONAL OFFICE, PIONEER TOWERS,
1ST FLOOR, SHANMUGHAM ROAD,
ERNAKULAM, PIN-682 031, REPRESENTED BY
ITS CHIEF MANAGER.**
- 3. M/S. SYNDICATE BANK,
PALAKKAD BRANCH, T.B. ROAD,
PALAKKAD DISTRICT, REPRESENTED BY
ITS MANAGER, PIN-679 001.**

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**4. THE UNITED INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, 11/82, III FLOOR,
'MALABAR FORT', G.B. ROAD,
PALAKKAD-678 001, REPRESENTED BY ITS
MANAGER, PIN-679 001.**

**R2 & R3 BY SRI.R.S. KALKURA, SC.
R4 BY ADV. SRI.JOHN JOSEPH VETTIKAD, SC.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE PLAINT IN O.S. NO.486/2012 BEFORE THE
HONOURABLE SUB COURT, ERNAKULAM DATED 31/05/2012.

EXT.P2 COPY OF THE PETITION IN I.A. NO.3069/2015 IN O.S. NO.486/2012
DATED 01/08/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.ABRAHAM MATHEW, J.

O.P.(C). No.2357 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

Petitioners are the plaintiffs in O.S.No.486 of 2012 on the file of 2nd Additional Sub Court, Ernakulam. They filed an application under Order 23 Rule 3(1) C.P.C for permission to withdraw the suit with liberty to file a fresh suit on the same cause of action. That has been dismissed. The only prayer is to direct the Sub Judge to issue a copy of the order.

2. Heard.

3. I am satisfied that the request is reasonable.

In the result, this OP(C) is allowed. The learned Sub Judge is directed to issue a copy of the order passed on I.A.No.3069 of 2015, if a proper application has been filed.

**K.ABRAHAM MATHEW
JUDGE**