

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

OP(C).No. 2496 of 2015 (O)

AGAINST OS.NO.146/2013 of PRL.M.C., KOCHI.

PETITIONER:-

K.M.JAYAPRAKASH, AGED 62 YEARS,
MADHAVAN, KALLUMADATHIL HOUSE,
NARAKKAL, ERNAKULAM.

BY ADVS.SRI.M.N.MANMADAN
SRI.M.S.IMTHIYAZ AHAMMED

RESPONDENTS:-

1. BEENY DIAZ, AGED 42 YEARS
S/O.CHARLEY, CHERIMMEL HOUSE, CHERIYAMTHURUTHU
VARAPPUZHA.

2. SOBAN
S/O.SEBASTIAN, PANAKKAL HOUSE, WARD NO.5
NJARAKKAL, PIN - 682 505.

R1 BY ADV. SRI.T.N.SURESH
R1 BY ADV. SRI.V.S.ANU MON
R2 BY ADV. SRI.M.N.SANJITH

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 12-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C) .No. 2496 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS:-

EXHIBIT P1. TRUE COPY OF THE PLAINT IN O.S.NO.146/2013 ON THE
FILE OF PRINCIPAL MUNSIFF'S COURT, KOCHI.

EXHIBIT P2. TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE
DEFENDANT/SECOND RESPONDENT HEREIN IN
O.S.NO.146/2013 ON THE FILE OF THE PRINCIPAL
MUNSIFF'S COURT, KOCHI.

EXHIBIT P3. TRUE COPY OF THE I.A.NO.2466/2015, FILED BY THE
PETITIONER HEREIN IN O.S.NO.146/2013 ON THE FILE
OF MUNSIFF'S COURT, KOCHI.

RESPONDENT(S) ' EXHIBITS:- NIL.

// true copy //

PA TO JUDGE.

Kvs/-

P.B.SURESH KUMAR, J.

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O.P.(C).No.2496 of 2015.

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Dated this the 12th day of November, 2015.

J U D G M E N T

The grievance highlighted by the petitioner in this Original Petition is that steps are being taken for the final disposal of Ext.P1 suit without considering Ext.P3 application filed by him in the suit for impleading him as a party.

2. Heard the learned counsel on either side.

3. In so far as Ext.P3 application has been filed by the petitioner seeking orders to implead him as a party to the suit, it is obligatory for the court to dispose of the same on merits before the disposal of the suit. In the said view of the matter, I direct the Munsiff's Court, Kochi to consider and pass orders on Ext.P3, after hearing the plaintiff and defendant before the disposal of the suit.

The Original Petition is disposed of as above.

**Sd/-
P.B.SURESH KUMAR,
JUDGE.**

Kvs/-

// true copy //

PA TO JUDGE.