

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. 2511 of 2015 (O)

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AGAINST THE ORDER/JUDGMENT IN OS 140/2006 of MUNSIFF COURT,
DEVICOLAM
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PETITIONER(S):

- 1. G.KARUPPAIAH,
S/O.GURUSWAMY, DRIVER, RESIDING AT MP IV/92
SILENT VALLY SECTION OF GUDARALE ESTATE
KDHP CO.PVT.LTD, MUNNAR, KDH VILLAGE
IDUKKI.**
- 2. SORNAM,
W/O.G.KARUPPAIH, RESIDING AT MP IV/92
SILENT VALLY SECTION OF GUDARALE ESTATE
KDHP CO.PVT.LTD, MUNNAR, KDH VILLAGE
IDUKKI.**
- 3. EBINEZER,
S/O.G.KARUPPAIAH, RESIDING AT MP IV/92
SILENT VALLY SECTION OF GUDARALE ESTATE
KDHP CO.PVT.LTD, MUNNAR, KDH VILLAGE
IDUKKI.**
- 4. ESWARY,
W/O.EBINEZER, RESIDING AT MP IV/92
SILENT VALLY SECTION OF GUDARALE ESTATE
KDHP CO.PVT.LTD, MUNNAR, KDH VILLAGE
IDUKKI.**

**BY ADVS.SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN**

RESPONDENT(S):

**M/S.KANNAN DEVAN HILLS PLANTATIONS COMPANY PVT.LTD,
A PRIVATE LIMITED COMPANY INCORPORATED IN INDIA WITH
ITS REGISTERED OFFICE AT KDHP HOUSE
NH.49, MUNNAR
KDH VILLAGE BY ITS POWER OF ATTORNEY HOLDER C.SREEKUMAR
ASST.MANAGER KDHP CO.PVT.LTD, MUNNAR.**

R BY SRI.V.ABRAHAM MARKOS

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF AFFIDAVIT AND APPLICATION I.A.1204/13

EXT.P2 TRUE COPY OF AFFIDAVIT AND APPLICATION IN I.A.1205/13

EXT.P3 TRUE COPY OF THE COUNTER TO I.A.1204/13

EXT.P4 TRUE COPY OF COUNTER TO I.A.1205/13

EXT.P5 TRUE COPY OF THE MEDICAL CERTIFICATE DT.16.7.14

EXT.P6 TRUE COPY OF COMMON ORDER IN I.A.1204 & 1205/13

EXT.P7 TRUE COPY OF COMMON JUDGMENT IN I.A.1204 & 1205/13.

RESPONDENT'S EXHIBITS:

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.2511 OF 2015

Dated this the 19th day of October, 2015

J U D G M E N T

In this O.P the petitioners challenge Ext.P7 order which has confirmed the order of the trial court dismissing their application to set aside the ex parte decree passed against them.

2. Heard.

3. A perusal of the affidavit filed in support of the application shows that there was absolutely no reason for the delay in filing the application for setting aside the ex part decree. The courts below are justified in passing the impugned order and judgment.

In the result, this O.P is dismissed. The learned counsel for the petitioners requests that they may be granted nine months time to vacate the property as the first petitioner is seriously ill. Having regard to his illness I am inclined to grant the petitioners seven months time to surrender possession of the property.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge