

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

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

**OP(C).No. 2714 of 2015 (O)**

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AGAINST THE ORDER/JUDGMENT IN OS 1791/2012 OF MUNSIF COURT,  
IRINJALAKUDA  
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**PETITIONER(S):**

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JOHNSON AGED 49 YEARS  
S/O.KOMBARA KAITHAVALAPPIL OUSEPH  
KOTANELLUR VILLAGE, MUKUNDAPURAM TALUK.**

**BY ADV. SRI.G.SREEKUMAR (CHELUR)**

**RESPONDENT(S):**

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SIVAN, AGED 58 YEARS  
S/O.CHIRAYIL VELAPPAN, KOTANELLUR VILLAGE  
MUKUNDAPURAM TALUK-680001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 12-11-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1 : A TRUE COPY OF THE PLAINT IN OS 1791 OF 2012 ON THE FILE OF THE MUNSIF COURT, IRINJALAKUDA, DATED .9-7-2012.**

**EXT.P2 : A TRUE COPY OF THE REPORT AND PLAN SUBMITTED BY THE ADVOCATE COMMISSIONER IN EXT.P1 DATED 7-9-2012.**

**EXT.P3 : A TRUE COPY OF THE WRITTEN STATEMENT IN EXT.P1 DATED 16-3-2013.**

**EXT.P4 : A TRUE COPY OF THE SECOND COMMISSIONER'S REPORT AND PLAN IN EXT.P1 SUIT DATED 4-6-2015.**

**EXT.P5 : A TRUE COPY OF IA NO.4952/2015 IN EXT.P1 DATED 20-7-2015.**

**RESPONDENTS' EXHIBITS:** **NIL**  
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R.AV

//TRUE COPY//

PA TO JUDGE

**K. ABRAHAM MATHEW, J.**

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**O.P.(C)No.2714 of 2015**  
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**Dated this the 12<sup>th</sup> day of November, 2015**

**J U D G M E N T**  
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Petitioner is the plaintiff in OS.1791 of 2012 on the file of Munsiff, Irinjalakuda. The complaint is that without disposing of Ext.P5 application filed by him for amendment of the plaint the learned Munsiff has posted the case for trial. The prayer is to direct the Munsiff to dispose of Ext.P5 application before the case is tried.

2. Heard.

3. I am satisfied that the request is reasonable.

In the result this O.P is allowed. The learned Munsiff is directed to dispose of Ext.P5 application before the case is taken up for trial.

sd/-

**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

//True Copy//

PA to Judge