

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

OP(C).No. 1647 of 2014 (O)

OS 274/2007 OF MUSNIFF COURT, ADOOR.

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PETITIONERS:

1. SARASAMMA, D/O KURUMBA,
CHARUVILA VEEDU, ENATHU MURI,
ENATHU VILLAGE, PIN - 691 526, ADOOR TALUK,
PATHANAMTHITTA DISTRICT.
2. AMBILI, D/O SARASAMMA, CHARUVILA VEEDU,
ENATHU MURI, ENATHU VILLAGE, PIN - 691 526,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.
3. ANI, S/O SARASAMMA, CHARUVILA VEEDU,
ENATHU MURI, ENATHU VILLAGE, PIN - 691 526,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.
4. AJI, S/O SARASAMMA, CHARUVILA VEEDU,
ENATHU MURI, ENATHU VILLAGE, PIN - 691 526,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.M.P.RAMNATH
SRI.P.RAJESH (KOTTAKKAL)
SEI.M.VARGHESE VARGHESE
SMT.UMA R.KAMATH
SMT.S.SANDHYA
SRI.BEPIN PAUL
SRI.SHALU VARGHESE

RESPONDENTS:

1. ROSAMMA NIRMALA, PUTHEN VILA THAZHATHIL,
PUTHUSSEERIBHAGOM MURI, ENATHU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691 526.
2. MATHAI ABRAHAM, PUTHEN VILA THAZHATHIL,
PUTHUSSEERIBHAGOM MURI, ENATHU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691 526.

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3. PAPPY THOMAS, JESSY BHAVANAM,
ELANGAMANGALAM MURI, ENATHU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691 526.
4. SHAMSUDEEN RAWTHER SHAJAHAN,
SERIBEX NO.143, POLLACHIRA PUTHEN VEEDU,
ENATHU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT, PIN - 691 526.
5. SATHEESH, SATHEESH MANDIRAM, ENATHU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691 526
6. ENATHU SERVICE COOPERATIVE BANK LTD.,
NO.278 CHOORAKODU, ADOOR TALUK,
PATHANAMTHITTA DISTRICT, PIN - 691 526,
REPRESENTED BY ITS SECRETARY
7. PODIPENNU, CHARUVILA VEEDU,
PUTHUSSEERIBHAGOM, ENATHU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691 526.
8. GOMATHY, CHARUVILA VEEDU, PUTHUSSEERIBHAGOM,
ENATHU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT, PIN - 691 526.
9. RAVI, CHARUVILA VEEDU, PUTHUSSEERIBHAGOM,
ENATHU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT, PIN - 691 526.

R1 TO R3 BY ADV. SRI.K.SASIKUMAR

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 12-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : TRUE PHOTOCOPY OF THE IA NO.1737/2008 IN OS NO.274/2007 OF THE HON'BLE MUNSIFF COURT ADOOR.
- EXHIBIT P2 : TRUE PHOTOCOPY OF THE ORDER DATED 03.10.2011 OF THE HON'BLE MUNSIFF COURT, ADOOR IN IA NO.1737/2008 IN OS NO.274/2007.
- EXHIBIT P3 : WITNESS LIST DATED 11.03.2014 FILED BY PETITIONER THROUGH COUNCIL IN OS NO.260/2007, 273/2007 AND 274/2007 BEFORE THE MUNSIFF COURT, ADOOR.
- EXHIBIT P4 : TRUE PHOTO COPY OF THE PETITION IA NO.668/2014 FILED (IN OS NO.273/2007) BY THE PETITIONER FOR SUMMONING THE ORIGINAL DOCUMENT FROM 6TH RESPONDENT/6TH DEFENDANT.
- EXHIBIT P5 : TRUE PHOTOCOPY OF THE OBJECTION DATED 27.05.2014 FILED BY 2ND RESPONDENT / DEFENDANT FOR AND ON BEHALF OF RESPONDENTS 1 TO 5 IN IA NO.668/2014 IN OS 274/2007 MUNSIFF'S COURT, ADOOR.
- EXHIBIT P6 : TRUE PHOTOCOPY OF THE ORDER DATED 17.06.2014 IN IA NO.668/2014 IN OS NO.273/2007 MUNSIFF'S COURT, ADOOR.
- EXHIBIT P7 : TRUE PHOTO COPY OF THE IA NO.976/2014 IN OS NO.260/2007 AND CONNECTED CASES BEFORE HON'BLE MUNSIFF COURT, ADOOR.
- EXHIBIT P8 : TRUE PHOTOCOPY OF THE ORDER DATED 17.06.2014 IN IA NO.976/2014 IN OS NO.260/2007 MUNSIFF COURT, ADOOR JOINTLY BEING TRIED WITH OS NO.273/2007 AND OS NO.274/2007.
- EXHIBIT P9 : TRUE PHOTOCOPY OF IA NO.1733/2008 FILED BY THE 1ST PETITIONER HEREIN IN OS NO.273/2007 BEFORE THE HON'BLE MUNSIFF COURT, ADOOR.
- EXHIBIT P10 : TRUE PHOTO COPY OF THE ORDER DATED 03.10.2011 IN IA NO.1733/2008 IN OS NO.273/2007 ON THE FILES OF THE HON'BLE MUNSIFF COURT, ADOOR.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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O.P.(C) No.1647 of 2014
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Dated this the 12th day of June, 2015

J U D G M E N T

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The letter from the learned Munsiff, Adoor shows that the judgment was pronounced in the matter. Even though as per the orders of this Court, the pronouncement of judgment was kept in abeyance for a period of one month and the matter was posted for pronouncing judgment on 21.07.2014, no further order was produced before the court below and there was no representation for both sides. Consequently, the judgment was pronounced on 21.07.2014. The petitioner, if aggrieved, can challenge the judgment and decree.

This original petition has become infructuous and hence, it is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/12/06