

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

OP(C).No. 2885 of 2015 (O)

OS NO. 598/2011 OF SUB COURT, ERNAKULAM

PETITIONER/PETITIONER IN IA/PLAINTIFF IN THE SUIT :

**C.J.MATHEW, AGED 66 YEARS
S/O.C.D. JOHN, FLAT NO.5B, TRINITY CROWN
EDAPPALLY, COCHIN.**

**BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHY MENON
SRI.K.PABDUL RASSAK
SRI.SUSEEL M. MENON
SMT.BINI SARAMMA**

RESPONDENTS/RESPONDENTS IN IA/DEFENDANTS IN THE SUIT :

- 1. K.J.PAUL
S/O.VARKEY JOSEPH, KUREEKKAL HOUSE, MAVELI NAGAR
COCHIN UNIVERSITY P.O., KOCHI – 682 022.**
- 2. JACOB JOSEPH PARAMBATHUSSERY
S/O.JOSEPH, 102 A/XXIII, EDAPPALLY
SOUTH EDAPPALLY P.O., ERNAKULAM, KOCHI – 682024.**
- 3. M/S. KANSAI INFRASTRUCTURE & DEVELOPERS PVT. LTD.,
32/2982 B, SAHRUDAYA BUILDING, PONNURUNNI
VYTTILA P.O., ERNAKULAM, [IN – 682 018.**
- 4. M/S.KERALA RUBBER AND RECLAIMS LTD.,
OFFICE AT CARMEL BUILDINGS, BANERJI ROAD
ERNAKULAM, COCHIN 18
REPRESENTED BY MANAGING DIRECTOR
MRS.SABIENA ABRAHAM, PIN – 682 018.**

**R1 BY ADV. SRI.K.N.CHANDRABABU
R4 BY ADVS. SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 2885 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1: TRUE COPY OF THE JUDGMENT IN OPC.NO.25/2015 DATED 29.10.2015.**
- EXT. P2: TRUE COPY OF THE IA.NO.4793/2015 DATED 19.11.2015.**
- EXT. P3: TRUE COPY OF THE INTERM APPLICATION DATED 26/11/2015.**
- EXT. P4: TRUE COPY OF THE INTERIM APPLICATION SEEKING TO MARK THE
DOCUMENT AS B SERIES DATED**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

O.P.(C)No.2885 of 2015

Dated this the 27th day of November, 2015

J U D G M E N T

Petitioner is the plaintiff in OS.598 of 2011 of Sub Court, Ernakulam and the respondents are the defendants. The suit has already been tried and it stands posted for disposal now. It appears that the petitioner filed an application to summon a document a copy of which was already marked and the application has been dismissed. It is alleged that without hearing the petitioner the learned Sub Judge has posted the case for judgment. He wants a direction to the learned Sub Judge to allow him to submit his arguments. There is also a request to direct the Sub Judge to pass orders on Exts.P2 to P4 applications.

2. Heard.

3. I think the request of the petitioner to direct the Sub Judge to allow him to submit his arguments is reasonable. The petitioner submits that he will submit his argument on 14.12.2015. If it is not inconvenient for the learned Sub Judge to hear the matter on that day, he shall give the counsel an opportunity to be heard.

4. Ext.P2 application was filed to issue direction to produce the original document a copy of which was marked as Ext.P6. It is submitted that the original document has already been produced. So no direction is necessary in this regard. The prayer in Ext.P3 application is to the case for re-hearing. In the light of the direction already given by me no order is to be passed on Ext.P3.

5. The prayer in Ext.P4 was to mark the original minute books a copy of which was marked as Ext.B6. This is a matter to be looked into by the trial court.

In the result, this OP is disposed of with the direction mentioned above.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge