

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

OP(C).No. 2920 of 2015 (O)

OS 228/2013 OF PRINCIPAL MUNSIF COURT, KOCHI.
.....

PETITIONER/PLAINTIFF:

**SMT. SAFIYA, AGED 56 YEARS,
D/O MALIYEKKAL HYDROSE,
RESIDING AT H.NO. 3/853, MALIYEKKAL HOUSE,
SOUTH MALIPPURAM, PUTHUVAIPPU VILLAGE,
KOCHI TALUK, ERNAKULAM DISTRICT, PIN-682 508.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM P.S.
SRI.T.PABDUL HAMEED
SRI. RUKSANA K. SUBAIR**

RESPONDENT/DEFENDANT:

**SRI. NASAR. P.S, AGED 48 YEARS,
S/O SAIDALI, PERMANENTLY RESIDING AT
H.NO.3/792/C, PUTHENPURAICKAL HOUSE,
SOUTH MALIPPURAM,
PUTHUVAIPPU VILLAGE, KOCHI TALUK,
ERNAKULAM DISTRICT. PIN-682 031.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 01-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 2920 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT.P1: TRUE COPY OF THE PLAINT IN OS. 288/13 PENDING BEFORE THE
MUNSIFF COURT-1, KOCHI.**

**EXT.P2: TRUE COPY OF THE JUDGMENT DT. 1/114 IN OS NO. 288/13 PENDING
BEFORE THE MUNDIFF COURT, I. KOCHI.**

**EXT.P3: TRUE COPY OF THE WRITTEN STATEMENT IN OS 288/13 PENDING
BEFORE THE MUSIFF COURT-I, KOCHI.**

**EXT.P4: TRUE COPY OF THE ORDER DT.21/10/15 IN OS NO 288/13 PENDING
BEFORE THE MUNSIFF COURT, I KOCHI.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K.ABRAHAM MATHEW J.

O.P.(C) No.2920 of 2015

Dated this the 1st day of December, 2015

JUDGMENT

Petitioner is the plaintiff in O.S.No.228 of 2013 of Munsiff Court-I, Kochi. The suit is for recovery of possession. She has paid court fees under Section 43 of the Kerala Court Fees and Suit Valuation Act. The court has directed her to pay court fees under Section 30 of the Act. This is challenged.

2. The learned counsel submits that the relationship between the parties to the suit is landlord-tenant relationship and Section 43 of the Kerala Court Fees and Suit Valuation Act is applicable. The learned Munsiff has rejected it on the ground that no such relationship is pleaded.

3. I have perused the copy of the complaint. I do not find any statement in the plaint to the effect that there is landlord-tenant relationship between the parties. The trial court rightly rejected this argument. I do not find any reason to interfere with the order.

In the result, this Original Petition is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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/True copy/

P.S.to Judge