

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

OP(C).No. 1780 of 2014 (O)

IA.NO.112/2013 IN AA.NO.54/2013 OF APPELLATE AUTHORITY (LR) THRISSUR

PETITIONER(S)/IST RESPONDENT:

ANEESHKUMAR,
S/O.VASU, VILAKKUMADATHIL HOUSE, PARACHOTTIL,
PERUMANNA.P.O, MANAKKADAVU, CALICUT.

BY ADVS.SMT.K.P.SANTHI
SRI.RILGIN V.GEORGE

RESPONDENT/PETITIONERS:

1. DEVAYANI,
W/O.GOPALAN, PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O,
VALLIKUNNU, MALAPPURAM.
2. PREMRAJ,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.
3. VALSARAJ,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.
4. SNEHARAJ,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.
5. SNEHAJYOTHI,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.
6. SNEHAPRABHA,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.

PJ

...2/-

OP(C).No. 1780 of 2014 (O)

7. PRIYADARSHINI,
PUTHIYEDATH HOUSE, KULAKATTUCHALI.P.O, VALLIKUNNU,
MALAPPURAM.
8. AMMUKUTTY,
W/O.PACHU, KADAKKATTUPURAKKAL HOUSE, THENJIPALAM
MALAPPURAM.
9. BABURAJ,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
10. DINESHKUMAR,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
- * 11. MANOJ, (DELETED)
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.

RESPONDENT NO.11 IS DELETED FROM PARTY ARREY AT THE RISK OF THE
PETITIONER AS PER ORDER DTD.26/2/15 IN IA.NO.2564/15

12. BABY,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
13. SULOCHANA,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
14. SUDHAKARAN,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
15. SASIKUMAR,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
16. JAYACHANDRAN,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.
17. PUSHPA,
KADAKKATTUPURAKKAL HOUSE, THENJIPALAM, MALAPPURAM.

* ADDITIONAL.R18 IMPEADED

18. PRIYARAJ, PUTHIYEDATH HOUSE,
KULAKATTUCHALI P.O., VALLIKUNNU, MALAPPURAM.

ADDL.R18 IS IMPEADED AS PER ORDER DAED 8/6/15 IN IA.16486/2014.

R1-R7 BY ADVS. SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON
R8-R10,R 13-R16 BY ADV. SMT.SINDHU MURALEEDHARAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 08-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 1780 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1** **COPY OF I.A.112 OF 2013 IN A.A.54 OF 2013 OF THE APPELLATE
AUTHORITY(LR),THRISSUR.**
- EXT.P2** **COPY OF A.A.54 OF 2013 OF THE APPELLATE AUTHORITY(LR),
THRISSUR**
- EXT.P3** **COPY OF THE OBJECTION FILED BY THE PETITIONER IN I.A.112 OF
2013 IN A.A.54 OF 2013 OF THE APPELLATE AUTHORITY(LR),THRISSUR**
- EXT.P4** **COPY OF THE ORDER DATED 28-3-2014 IN I.A.112 OF 2013 IN A.A.54 OF
2013 OF THE APPELLATE AUTHORITY(LR),THRISSUR.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
O.P.(C) No.1780 of 2014
.....

Dated this the 8th day of July, 2015

J U D G M E N T

~ ~ ~ ~ ~ ~ ~ ~ ~

Ext.P4 order passed by the Appellate Authority (LR), Thrissur is under challenge. Through Ext.P4 order, IA.112/2013 filed by the appellant is allowed by the Appellate Authority. What was sought for through the said IA was for getting the delay of 13244 days condoned. Within no time, the Appellate Authority has condoned the said inordinate delay through a cryptic order, which is in one sentence. The Appellate Authority has stated "*The reason for delay of 13244 days in filing petition for condonation is found to be genuine*". What is meant by the Appellate Authority is not discernible even from that sentence. It is a pity that such a person is placed as an Appellate Authority and he is continuing to officiate matters as the Appellate Authority by holding a responsible post. Ext.P4 order is

cryptic, illegal, irregular and improper. The said order is set aside. The Appellate Authority is directed to pass a speaking order in the matter by addressing rival contentions of the parties.

O.P.(Civil) is allowed as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/07

// True Copy //

PA to Judge