

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

OP(C).No. 3104 of 2015 (O)

IA.246/15 IN OS.80/2014 OF MUNSIF COURT, PERUMBAVOOR

PETITIONER(S):

1. THANKAMMA, AGED 80 YEARS,
W/O.LATE PAPPU, MALIKKUDI HOUSE, ALATTUCHIRA P.O.
KODANADU KARA, KODANADU VILAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.
2. SALI, AGED 37 YEARS,
S/O..LATE PAPPU, MALIKKUDI HOUSE, ALATTUCHIRA P.O.,
KODANADU KARA, KODANADU VILAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.T.K.SAJEEV

RESPONDENT(S):

1. KOOVAPPADY GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE
KOOVAPPADY P.O., ERNAKULAM DISTRICT-683544.
2. THE SECRETARY,
KOOVAPPADY GRAMA PANCHAYAT, GRAMA PANCHAYAT OFFICE,
KOOVAPPADY P.O., ERNAKULAM DISTRICT-683544.
3. ELDHO, S/O.KUNAVIRA, NADACKAL HOUSE, ALATTUCHIRA,
KODANADU VILLAGE-683544.
4. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR, ERNAKULAM,
CIVIL STATION, KAKKANAD P.O.,
ERNAKULAM DISTRICT-682030.
5. DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANAD P.O.,
ERNAKULAM DISTRICT-682030.
6. TAHSILDAR,
KUNNATHUNAD TALUK, TALUK OFFICE,
PERUMBAVOOR P.O.-683542

R1-2 BY SRI.R.RANJITH,SC

R4-6 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE PLAINT IN O.S NO. 80 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT PERUMBAVOOR.
- P2- TRUE COPY OF THE PETITION FILED AS I.A NO. 246 OF 2015 IN O.S NO. 80 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT PERUMBAVOOR.
- P3- TRUE COPY OF THE ORDER DATED 07/11/2015 IN I.A NO 246 OF 2015 IN O.S NO. 80 OF 2014 ON THE FILE OF THE MUNSIFF'S COURT PERUMBAVOOR.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

O.P.(C)No. 3104 of 2015

Dated this the 17th day of December, 2015

J U D G M E N T

Petitioners are the plaintiffs in OS.80 of 2014 of Munsiff Court, Perumbavoor. Respondents 4 to 6 were later impleaded as additional defendants. The petitioners filed Ext.P2 application to amend the pleadings. This has been dismissed by the learned Munsiff. Its correctness is challenged.

2. Heard.

3. Under Order 1 Rule 10 (4) CPC when a defendant is added the plaint shall be amended. But the amendment shall be done in such manner as may be necessary on impleadment. The learned Munsiff unfortunately failed to take notice of this provision.

In the result, this OP is allowed. Ext.P3 order is set aside. The trial court is directed to reconsider the matter and allow the application in accordance with Order 1 Rule 10 (4) CPC.

sd/-

**K. ABRAHAM MATHEW
JUDGE**