

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

OP(C).No. 3120 of 2015 (O)

OS 32/2013 OF SUB COURT, MAVELIKKARA.

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PETITIONER(S)/PETITIONER(S)/PLAINTIFFS:

1. PODIYAN, AGED 57 YEARS,
S/O.VELAYUDHAN,
KOIPALLYSSERIL PADEETTATHIL,
PUTHIYAVILA, PATTOLIMARKET.P.O.,
KANDALLUR VILLAGE.
2. T.MOHANAKRISHNAN, AGED 58 YEARS,
S/O.THANKAPPAN, THAIMOOTTIL,
PUTHIYAVILA, KANDALLUR.

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI**

RESPONDENT(S)/RESPONDENT(S)/DEFENDANTS:

1. JANASAKTHI EDUCATIONAL,
CULTURAL AND CHARITABLE TRUST,
PATTOLIMARKET.P.O, KAYAMKULAM,
REPRESENTED BY THE SECRETARY,
CHANDRAN NAIR, ALAPPUZHA DISTRICT - 690 531.
2. CHANDRAN NAIR, AGED 62 YEARS,
S/O.GOPALAN NAIR, ASWATHY, PUTHIYAVILA,
KANDALLUR, ALAPPUZHA DISTRICT - 690 531.
3. VIJAYAN, AGED 64 YEARS, S/O.MADHAVAN,
CHEMPAKAPALLY THARAYIL, PUTHIYAVILA,
KANDALLUR, ALAPPUZHA DISTRICT - 690 531.
4. VENUGOPAL, AGED 62 YEARS,
S/O.GOVINDA PANICKER, KARIPURATHU KANDATHIL,
PUTHIYAVILA, KANDALLUR,
ALAPPUZHA DISTRICT - 690 531.
5. SHAHUL HAMEED, AGED 63 YEARS,
NAMPALASSERIL HOUSE, NEAR M.S.M. COLLEGE,
KAYAMKULAM VILLAGE, ALAPPUZHA - 690 502.

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6. BHASKARAN, AGED 70 YEARS,
S/O.NANU, SHA NIVAS, PUTHIYAVILA,
KANDALLUR, ALAPPUZHA DISTRICT - 690 531.
7. DIVAKARAN, AGED 69 YEARS,
S/O.NEELAKANTAN, CHEMAKAPALLY THARAYIL,
PUTHIYAVILA, KANDALLUR,
ALAPPUZHA DISTRICT - 690 531.
8. KAMALASANAN, AGED 62 YEARS,
S/O.GANGADHARAN, PUTHENVEETIL PEEDIKAYIL,
SOUTH MANKUZH, BHARANIKAVU,
ALAPPUZHA DISTRICT - 688 011.
9. RADHAMONEY, AGED 62 YEARS, W/O.ACHUTHAN,
VRINDAVANAM, PUTHIYAVILA, KANDALLUR,
ALAPPUZHA DISTRICT - 690 531.
10. SREEDHARAN NAIR, AGED 63 YEARS,
S/O.SANKARAN NAIR, SREE MANDHIRAM,
PUTHIYAVILA, KANDALLUR,
ALAPPUZHA DISTRICT - 690 531.
11. RAMAKRISHNA PILLAI, AGED 80 YEARS,
S/O.GOPALA PILLAI, ASWATHY, PUTHIYAVILA,
KANDALLUR, ALAPPUZHA DISTRICT - 690 531.
12. JAYACHANDRAN PILLAI, AGED 55 YEARS,
THOPPIL HOUSE, PUTHIYAVILA,
PATTOLIMARKET.P.O., ALAPPUZHA DISTRICT - 690 531.
13. K.LESKHMANAN, AGED 62 YEARS,
PEEDIKACHIRAYIL, PUTHIYAVILA,
PATTOLIMARKET.P.O., ALAPPUZHA DISTRICT - 690 531.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE EXTRACT OF THE PLAINT IN OS.NO.32/2013 ON THE FILES OF THE SUB COURT OF MAVELIKARA.
- EXT. P2 : TRUE COPY OF THE TRUST DEED DATED 12.4.1994.
- EXT. P3 : TRUE COPY OF THE CBSE REGULATION.
- EXT. P4 : TRUE COPY OF THE WRITTEN STATEMENT IN OS.NO.32/2013 FILED BY THE RESPONDENTS 2 AND 3.
- EXT. P5 : TRUE COPY OF THE INTERLOCUTORY APPLICATION DATED 29.5.2015 AS I.A.NO.590/2015 FILED BY THE PETITIONER.
- EXT. P6 : TRUE COPY OF THE INTERLOCUTORY APPLICATION DATED 7.7.2015 AS I.A.NO.639/2015 FILED BY THE PETITIONERS.
- EXT. P7 : TRUE COPY OF THE INTERLOCUTORY APPLICATION DATED 16.9.2015 AS I.A.NO.875/2015 FILED BY THE PETITIONERS.
- EXT. P8 : TRUE COPY OF THE OBJECTIONS TO I.A.NO.590/2015 FILED BY THE RESPONDENTS 1 TO 3.
- EXT. P9 : TRUE COPY OF THE OBJECTIONS TO I.A.NO.639/2015 FILED BY THE RESPONDENTS 1 TO 3.
- EXT. P10 : TRUE COPY OF THE OBJECTIONS TO I.A.NO.875/2015 FILED BY THE RESPONDENTS 1 TO 3.
- EXT. P11 : TRUE COPY OF THE IA.NO.1121 IN OS.NO.32/2013 FILED BY THE PETITIONERS.
- EXT. P12 : TRUE COPY OF THE ORDER DATED 9.12.2015 IN I.A.NO.1121/2015 IN O.S.NO.32/2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. ABRAHAM MATHEW, J.

O.P.(C)No. 3120 of 2015

Dated this the 18th day of December, 2015

J U D G M E N T

Petitioners are plaintiffs in OS.32 of 2013 filed for framing a scheme. They filed Ext.P11 application to advance the posting of certain IAs which has been dismissed by the learned Sub Judge by Ext.P12 order. Its correctness is questioned in this OP.

2. Heard.

3. The learned Sub Judge dismissed the application to advance the posting of the case for the sole reason that in the affidavit filed in support of the application, no reason has been stated for advancing the posting of the case. I have perused the affidavit. No reason has been stated in the affidavit for advancing the posting of the case. The learned Sub Judge is fully justified in dismissing the application.

In the result, this OP is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**