

IN THE HIGH COURT OF KERALAAT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

OP(C).No. 3178 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN OS 441/2014 of ADDL.MUNSIFF COURT,KOCHI

PETITIONER:

JACOB @ CHACKACHAN,
S/O.JOSEPH,
AGED ABOUT 75 YEARS,
PANAKKAL HOUSE,
AZHEEKKAKAM, KUMBALANGHI PO,
KOCHI-682 007

BY ADVS.SRI.S.VASUDEVAN
SRI.RAJEEV C.K.

RESPONDENTS:

1. ST.PETER'S CHURCH,
KUMBALANGHI, REP.BY ITS PARISH PRIEST,
RESIDING AT PAROCHLAL HOUSE, ST.PETER'S CHURCH,
KUMBALANGHI PO, KOCHI-682 007
2. THOMAS, S/O.XAVIER, AGED 64 YEARS,
KATTIPARAMBIL HOUSE, KUMBALANGHI PO,
KOCHI-682 007
- 3.JOHNY, S/O.GEORGE, AGED 40 YEARS,
PAZHAMPILLY HOUSE, KUMBALANGHI PO,
KOCHI-682 007

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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K.ABRAHAM MATHEW J.

O.P.(C)No.3178 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

Petitioner is the defendant in O.S.No.441 of 2014 of Additional Munsiff Court, Kochi. His application to hear the question of maintainability of the suit as a preliminary issue was rejected by the trial court. This is challenged.

2. Heard.

3. The application was dismissed for the reason that the petitioner filed the application only after the case came up for trial in the list. His intention was very clear. The learned Munsiff rightly dismissed the application.

Hence the Original Petition is dismissed.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

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/True copy/

P.S.to Judge