

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

OP(C).No. 2233 of 2014 (O)

(I.A.NO.4841/2014 IN OS.NO. 1196/2008 OF 1ST ADDITIONAL SUB COURT, THRISSUR)

PETITIONER :

SHINE KRISHNAN, AGED 28 YEARS,
S/O. PALLIMAKKAL KRISHNAN, AYYANTHOLE VILLAGE,
KANATTUKARA DESOM, THRISSUR TALUK,
NOW RESIDING AT NEAR PANNIMKULANGARA TEMPLE.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN

RESPONDENT(S):

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1. UNNIKRISHNAN, AGED 57 YEARS,
S/O. BHAVANTEPARAMBIL RAJAN,
ARATTUPUZHA VILLAGE DESOM, THRISSUR TALUK.
 2. MALATHY UNNIKRISHNAN, AGED 49 YEARS,
W/O. UNNIKRISHNAN, AARATTUPUZHA VILLAGE DESOM,
THRISSUR TALUK.

R1 & R2 BY ADV. SRI.G.S.REGHUNATH

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).No. 2233 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE PLAINT IN OS.NO. 1196 OF 2008 BEFORE THE SUB COURT, THRISSUR DATED NIL.
- P2 : COPY OF THE WRITTEN STATEMENT WITH COUNTERCLAIM IN OS 1196 OF 2008 BEFORE THE SUB COURT, THRISSUR, DTD. 26.7.2009.
- P3 : COPY OF THE IA OF 2012 IN OS 1196 OF 2008 IN SUB COURT, THRISSUR, DTD. 3.4.2012.
- P4 : COPY OF IA NO.5098 OF 2012 IN OS NO.1196 OF 2008 IN SUB COURT, THRISSUR, DTD. 13.6.2012.
- P5 : COPY OF THE IA NO.4841 OF 2014 IN OS NO.1196 OF 2008 IN SUB COURT, THRISSUR, DTD. 28.8.2014.
- P6 : COPY OF THE ORDER PASSED BY THE 1ST ADDL. SUB COURT THRISSUR IN IA NO.4841 OF 2014 IN OS NO.1196 OF 2008, DTD. 29.8.2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.BHAVADASAN, J.

Original Petition (Civil) No.2233 OF 2014

Dated this the 16th day of January, 2015.

J U D G M E N T

Aggrieved by Ext.P6 order, the petitioner has come up before this Court.

2. Shorn of unnecessary details, in the suit namely, O.S.No.1196/2008 filed by the respondents-plaintiffs, both parties produced documents regarding which objection was taken by the other side about their genuineness. Both sides therefore prayed that respective documents may be sent for expert's opinion. It appears that the court below initially allowed the applications filed by both sides for sending the documents for expert's opinion. However, it so happened that the documents of which expert's opinion was sought for by the respondents before this Court alone were sent for expert's opinion. The petitioner has moved an application before the court below pointing out

that by mistake, court below has not forwarded the document sought for by the petitioner and so there may be an order to that effect. He, therefore, prayed that the documents produced by him may also be forwarded for expert's opinion. That petition has been dismissed by the court below by the impugned order.

3. In the light of the fact that earlier there was an order allowing both parties to have the respective documents sent for expert's opinion and after respondents had obtained expert's opinion regarding the document, when the petitioner moved an application pointing out that even though there was an order in his favour, document has not been sent due to a mistake committed by the court below, court below ought to have sent the documents for expert's opinion.

In the result, this original petition is allowed and the impugned order is set aside. The documents of which expert's opinion is sought for by the petitioner shall be forwarded for expert's opinion and the court below may make every endeavour to get the opinion of the expert as expeditiously as possible and after receipt of expert's opinion, every endeavour may be made

to dispose of the suit as expeditiously as possible, at any rate, within a period of six months from the date of receipt of report.

Sd/-

P.BHAVADASAN
JUDGE

smp