

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

OP(C).No. 2620 of 2014 (O)

I.A. NO.1000/2014 IN OS. NO.147/2012 OF SUB COURT, KANNUR.

PETITIONER/PETITIONER/PLAINTIFF:

KUNHIKKANDY MAMMED, S/O.THARI,
AGED 73 YEARS, EACHILOT HOUSE,
MANIYOOR AMSOM, VESHALA DESOM,
THALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.K.RAJESH SUKUMARAN.

RESPONDENT/RESPONDENT/DEFENDANT:

CHATHOTH SAVITHRI, W/O.LAKSHMANAN,
AGED 65 YEARS, CHATHOTH HOUSE,
P.O. CHOVA, ELAYAVOOR AMSOM,
CHOVA DESOM, KANNUR, PIN-670 006.

BY ADV. SRI.V.RAMKUMAR NAMBIAR.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

OP(C).No. 2620 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS:

- P1: COPY OF THE PLAINT IN OS. 147/2012 ON THE FILE OF THE SUBORDINATE COURT, KANNUR.
- P2: COPY OF THE DECREE DATED 28.02.2014 IN OS.147/2012 ON THE FILE OF THE SUBORDINATE COURT, KANNUR.
- P3: COPY OF THE IA. 1000/2014 IN OS.147/2012 ON THE FILE OF THE SUBORDINATE COURT, KANNUR.
- P4: COPY OF THE STATEMENT OF COST FILED IN OS.147/2012 ON THE FILE OF THE SUBORDINATE COURT, KANNUR.
- P5: COPY OF THE ORDER IN IA. 1000/2014 DATED 13.08.2014 IN OS.147/2012 ON THE FILE OF THE SUBORDINATE COURT, KANNUR.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. BHAVADASAN, J.

O.P.(C). No. 2620 of 2014

Dated this the 3rd day of March, 2015.

JUDGMENT

Aggrieved by Ext. P5 order dated 13.8.2014, the petitioner has come up with this petition under Article 227 of the Constitution of India. Admittedly the petitioner was the plaintiff in the suit and the suit was decreed with proportionate costs. The petitioner admittedly did not file the cost list within the time stipulated under the Civil Rules of Practice. The court below rejected the cost list on the ground that the decree has already been drafted. Learned counsel appearing for the petitioner pointed out that the said reason is obviously not correct and cannot be supported in law.

2. There is some substance in the above contention. However, the court is empowered to condone

the delay if the cost memo is filed after seven days as provided under Rule 196 of the Civil Rules of Practice. But it is for the court to determine whether delay is properly explained.

Since the reason given is obviously wrong, the impugned order is set aside and the matter is remanded to the court below to consider whether delay is properly explained.

sb.

P. BHAVADASAN,
JUDGE