

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

OP(C).No. 3087 of 2014 (O)

PETITIONER(S) :

ANNAKUTTY, AGED 76 YEARS,
W/O.LATE DEVASSYA, PUNCHAYIL HOUSE,
ANAKKALLU P.O.,
KANJIRAPPALLY VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

BY ADVS.SRI.E.N.VISHNU NAMBOODIRI
SRI.NARAYANAN.P.P
SRI.S.P.SURESH KUMAR
SRI.N.N.ELAYATH

RESPONDENT(S) :

ROSAMMA @ JAIMOLE, AGED 40 YEARS,
D/O.K.J.CHACKO, KARAMBAKKAL HOUSE, VADAKARA P.O.,
ERATHU, CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C) .No. 3087 of 2014 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PLAINT FILED BY THE
PETITIONER AS INDIGENT PERSON BEFORE THE SUB COURT, PALA.

RESPONDENT(S) ' EXHIBITS

P.BHAVADASAN, J.

O.P. ©. No. 3087 of 2014

Dated this the 5th day of January, 2015.

JUDGMENT

The complaint raised in this case is that the office of the Sub Court, Pala, without any justification, is refusing to receive the plaint on file. The suit was instituted by an indigent person and the petitioner's grievance is that the office had taken an objection that it is signed by the counsel engaged by the petitioner. The grievance of the petitioner is that there is no prohibition in the counsel signing on behalf of the petitioner and the only necessity is that Order 33 Rule 3 of the Code of Civil Procedure should be complied with and that the petitioner should appear in person. It is also contended that the refusal on the part of the office is improper and illegal.

2. Except for the averment, there is no evidence to show that the plaint has been presented before the court below. There is no endorsement seen made by the office and

if the petitioner has any grievance that the refusal to receive the plaint is improper and illegal, the proper course open to him is to bring this fact to the notice of the Presiding Officer concerned or atleast to the District Judge concerned.

Reserving the liberty of the petitioner to resort to such action, this petition is dismissed.

P.BHAVADASAN
JUDGE

sb.