

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

R.P.No. 98 of 2015 (O) IN OP(C).3059/2014

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AGAINST THE JUDGMENT IN OP(C) 3059/2014 of HIGH COURT OF KERALA  
DATED 19.12.2014  
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REVIEW PETITIONER/ 1ST RESPONDENT :

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ANNAMMA MATHEW, AGED 85 YEARS,  
NADUVILETHU HOUSE, KAIPATTOOR P.O., PATHANAMTHITTA.

BY ADVS.SRI.ABRAHAM SAMSON  
SMT.LOVELY SAMSON

RESPONDENT/ PETITIONER & RESPONDENTS NO 2 TO 5 :

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1. MARYKUTY, W/O.LATE GEORGE,  
NEDUVILETHU HOUSE, KAIPATTOR, VALLICODE,  
KOZHENCHERY, PATHANAMTHITTA DISTRICT 689 656
  2. KOSHY GEORGE, S/O.LATE GEORGE  
NEDUVILETHU HOUSE, KAIPATTOR, VALLICODE,  
KOZHENCHERY, PATHANAMTHITTA DISTRICT 689 656
  3. MARY ALGOO, D/O.LATE GEORGE  
NEDUVILETHU HOUSE, KAIPATTOR, VALLICODE,  
KOZHENCHERY, PATHANAMTHITTA DISTRICT 689 656
  4. ELIZABETH GEORGE NINAN, D/O.LATE GEORGE  
NEDUVILETHU HOUSE, KAIPATTOR, VALLICODE,  
KOZHENCHERY, PATHANAMTHITTA DISTRICT 689 656
  5. SARA OOMMEN, D/O.LATE GEORGE,  
NEDUVILETHU HOUSE, KAIPATTOR, VALLICODE,  
KOZHENCHERY, PATHANAMTHITTA DISTRICT 689 656

R1 TO R5 BY ADV. SRI.JACOB P.ALEX

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON  
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

VS

**R.P.No. 98 of 2015 (O) IN OP(C).3059/2014**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- ANNEXURE A : CERTIFIED COPY OF THE JUDGMENT DATED 19.12.2015  
IN OP(C)NO.3059/2014**
- ANNEXURE B : TRUE COPY OF THE NOTICE OF APPEARANCE BY  
THE MUNSIFF COURT RANNY DATED 14.1.2005.**
- ANNEXURE C : TRUE COPY OF THE CASE SHEET OF AMRITH HOSPITAL  
DATED 18.3.2014.**
- ANNEXURE D : TRUE COPY OF THE CASE SHEET OF AMRITHA HOSPITAL  
DATED 31.10.2014**
- ANNEXURE E : TRUE COPY OF THE DISCHARGE SUMMARY OF MUTHOOT  
HOSPITAL DATED 8.12.2014**
- ANNEXURE F : TRUE COPY OF THE I.A.NO.100/2015 IN OS.NO.15/2011 OF  
THE MUNSIFF COURT, RANNY DATED 19.1.2015.**

**RESPONDENT(S)' EXHIBITS :** **NIL**  
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**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**P.BHAVADASAN, J.**

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**Review Petition No. 98 of 2015  
IN  
O.P.(C)No.3059 of 2014**

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**Dated this the 29<sup>th</sup> day of January, 2015**

**ORDER**

This review petition is directed against the judgment dated 19.12.2014 in O.P.No.3059 of 2014 which was disposed of as follows:

“This original petition is disposed of with a direction to the trial court which is now presided over by the Munsiff Court, Ranni to take up O.S.No.15/2011 pending before the Munsiff Court, Pathanamthitta at the earliest and every attempt may be made to complete the trial of the suit and after the trial is completed, every endeavour may be made to dispose of the suit within a period of four months from the date of completion of the trial”.

2. The grievance now voiced by the review petitioner is that the order was passed without notice to him and that has caused prejudice to him. He pointed out that even now the plaintiff is unable to come to the court and give evidence. And also pointed out that the petition

filed needs to be disposed of before the trial is completed.

3. It was after taking note of the averments in the petition that the order was passed on 19.12.2014. Even as per the medical certificate, the plaintiff remained in the hospital as per the advice of the doctor. Whatever that be, under those circumstances, defendants 1 and 2 gave evidence and DW1 by way of chief affidavit, and DW3 the attesting witness whom filed chief affidavit, they are yet to be cross examined. DW3 according to plaintiff was a sick person who was unable to come to Court to give evidence. In the meanwhile, the counsel appearing for the plaintiff gave up vakalath and that caused further delay.

4. Whatever that be, the case stands posted on 02.02.2015. If the plaintiff is unable to come to Court, she may apply for examination on commission and examination shall be completed as early as possible. The order passed by this Court regarding the disposal of the case does not mean that application filed before the lower

**Review Petition No. 98 of 2015**  
**IN**  
**O.P.(C)No.3059 of 2014**

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court shall not be disposed of in accordance with law. It only meant that every effort shall be made to complete the trial as expeditiously as possible. If any petition is filed before the court below, the same shall be disposed of in accordance with law.

This Review Petition is disposed of as above.

Sd/-  
**P.BHAVADASAN**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE