

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

RP.No. 153 of 2015 () IN OP(C).99/2015

REVIEW PETITIONER:

- 1.THOMAS THOMAS, S/O. OUSEPH ALIAS JOSEPH,
AYYAMKOILIL HOUSE, ENANANLOOR KARA, ENANALLOOR VILLAGE
MUVATTUPUZHA TALUK, PIN 686 673.
- 2.JOSE, S/O. THOMAS, AYYAMKOILIL HOUSE, ENANANLOOR KARA
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK, PIN 686 673.
- 3.PAUL, S/O. THOMAS, AYYAMKOILIL HOUSE, ENANANLOOR KARA
ENANALLOOR VILLAGE, MUVATTUPUZHA TALUK, PIN 686 673.

BY ADV. SRI.C.P.SAJI

RESPONDENTS:

1. LILLYKUTTY, AGED 73, W/O.JOSEPH, RESIDING AT VAMATTATHIL
HOUSE, NELLIMATTOM KARA, KUTTAMANGALAM VILLAGE,
KOTHAMANGALAM TALUK, PIN-686693.
2. BESSY BABU, D/O. JOSEPH, RESIDING AT VALIYAVEETIL HOUSE,
MANJALLOOR KARA, MAJALLOOR VILLAGE, MULLAPUZHACHAL P.O.,
MUVATTUPUZHA, PIN-686 670.
3. BABU V.K., S/O. KURIAKOSE, RESIDING AT VALIYAVEETIL HOUSE,
MANJALLOOR KARA, MAJALLOOR VILLAGE, MULLAPUZHACHAL P.O.,
MUVATTUPUZHA, PIN-686 670.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

P.BHAVADASAN, J.

R.P. No.153 of 2015

In

O.P.(C) No. 99 of 2015

Dated this the 13th day of February, 2015.

ORDER

It is brought to the notice of this Court by the review petitioner that the third petitioner in the original petition before this Court was not a party to O.S.No.570 of 2013 at all. In stead, one Betty was the third plaintiff. The said Betty has filed the petition before the court below pointing out that the suit was filed without her consent and she was not aware of filing of the suit and that her signature in the plaint was obtained concealing the facts of the suit and by misrepresentation and fraud and she has no intention to proceed with the suit.

2. It is also pointed out by the review petitioner that an appeal against Ext.P4 order is pending consideration, that is to be disposed of within one month as per the order of this Court on 14.1.2015. The review petitioner points out that even though a copy of the review petition was served on the counsel for the petitioner in the original petition, the counsel

refused to accept the same and very same tactic was adopted at the time of filing the appeal and where the copy was served on the counsel before the court below though they had filed a caveat.

3. If above factor is true, it is indeed a sad method adopted by the petitioners in the original petition. With the above observation, order dated 14.1.2015 is recalled and the matter posted for rehearing.

The petitioner is directed by this Court to serve a copy of the revision petition on the counsel who had appearing for the respondent before this Court.

Sd/-
P.BHAVADASAN
JUDGE

Scl.