

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

RFA.No. 246 of 2014 ()

**AGAINST THE JUDGMENT IN OS 202/2013 OF ADDITIONAL SUB COURT,KOTTAYAM
DATED 21-12-2013**

APPELLANT/PLAINTIFF:

**SAHAL V.J AGED 26 YEARS
S/O.JALAL, RESIDING AT VALIYAVEETIL HOUSE
ARUVITHURA P.O., ERATTUPETTA VILLAGE, ERATTUPETTA-2
KOTTAYAM DISTRICT, MEENACHIL TALUK.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM
SRI.P.A.RABEEZ**

RESPONDENTS/DEFENDANTS:

- 1. IRC INDUSTRIAL RUBBER COMPANY NO.A1.
SIDCO INDUSTRIAL ESTATE, ARIYAMANGALAM
THIRUCHIRAPPALLI-620 010, TAMILNADU
REPRESENTED BY ITS MANAGING PARTNER.**
- 2. S.DHANALAKSHMI
PARTNER, IRC-INDUSTRIAL RUBBER COMPANY NO.A1
SIDCO INDUSTRIAL ESTATE, ARIYAMANGALAM
THIRUCHIRAPPALLI-620 010.**

R1 & 2 BY ADV. SRI.P.M.SEBASTIAN

**THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 15-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

shg/

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

R.F.A.No.246 of 2014

Dated this the 15th day of July, 2015

J U D G M E N T

Ramachandran Nair, J.

When the matter came up on today for consideration, it is submitted that the appeal itself can be heard. The appellant is the plaintiff in O.S.No.202/2013 on the file of the Additional Sub Court, Kottayam. For non-payment of balance court fee the suit stands dismissed by the impugned judgment.

2. Heard the learned counsel on both sides.

3. The learned counsel for the appellant pleaded for granting one more opportunity to pay the balance court fee.

4. We find from the pleading that the suit is for realisation of an amount of Rs.12,40,598/-.

5. The learned counsel for the respondents submitted that the appellant should have paid the balance court fee within time.

6. Learned counsel for the appellant seeks one more

opportunity and submitted that there will not be any further default and the balance court fee will be paid within the time provided by this Court.

7. We therefore set aside the judgment and the balance court fee will be paid on or before 15.9.2015 without fail. The suit is remanded back for fresh consideration.

The appeal is accordingly allowed.

Sd/-
T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-
K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/