

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

RP.No. 236 of 2015 () IN Tr.P(C).268/2014

JUDGMENT IN TR.P.C. NO. 268/2014 DATED 10.10.2014

REVIEW PETITIONER(S)/PETITIONER IN TR.P(C):

**MUHAMMED HANEEFA HAJI AGED 68 YEARS
KALAPPURAKKAL HOUSE, VADANAPPILLY, CHAVAKKAD
THRISSUR DISTRICT.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S)/RESPONDENTS IN TR.P(C):

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- 1. ABDUL SHUKKOOR
S/O.SAINULABHEEN, THYPPARAMBIL HOUSE
CIVIL STATION ROAD, ALAPPUZHA - 688 001.**
 - 2. K.M.MUHAMMED HANEEFA HAJI
S/O.MUHAMMED HANEEFA HAJI, KALAPPURAKAL HOUSE
VADANAPPILLY, CHAVAKKAD, THRISSUR DISTRICT - 680 614.**

R BY SRI.P.VINODKUMAR

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 06-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ds

RP.No. 236 of 2015 () IN Tr.P(C).268/2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE PROCEEDINGS IN O.S. NO.1952/2012 ON THE FILES OF SUB COURT, THRISSUR.

ANNEXURE A2: COPY OF 'B' DIARY IN O.S. 540/2012 ON THE FILES OF SUB COURT, ALAPPUZHA.

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.A.TO JUDGE

P.BHAVADASAN, J.

R.P. No. 236 of 2015

in

Tr.P.C.No. 268 of 2014

Dated this the 06th day of March, 2015

ORDER

This is a petition seeking review of the order dated 10.10.2014 in Tr.P.C.No. 268/2014.

2. Tr.P.C.No. 268/2014 was the petition filed under Section 24 of the C.P.C. seeking transfer of O.S.No.540/2012 pending before the Sub Court, Alappuzha to Sub Court, Trissur to be jointly tried along with O.S.No. 1952/2012.

3. This Court noticed that it is an admitted case of both the parties that suits are based on the very same agreement namely Ext.A1.

4. When the matter was taken up for hearing, the learned counsel appearing for the respondent opposed the transfer on the ground that O.S.No. 540/2012, the suit filed by the respondent herein was first in point of time and that was instituted before the Sub Court, Alappuzha. It is further contended that it was after receiving summons in the said

suit that the present suit, namely O.S.No. 1952/2012 was filed. Taking note of the above facts and since it was not controverted, this Court accepted the plea made by the respondent that this suit filed by the respondent was prior in point of time. It is also noticed by this Court that the petitioner had a case that the suit before the Sub Court, Alappuzha is incompetent as that Court had no jurisdiction. This Court left open the liberty of the petitioner to urge that point before the appropriate court. Now the petitioner says that the suit was filed prior in point of time and therefore the review may be allowed.

5. It was in presence of both the counsel and after hearing both sides that the order was passed. There are no grounds made out to review the petition.

Hence, this review petition is dismissed.

Sd/-
P.BHAVADASAN
JUDGE