

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

RP.No. 262 of 2015 (F)

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AGAINST THE ORDER DATED 13.10.2014 IN I.A.NO.1841/2013 IN MJC 21/ 2010
IN A.S.447/2002 OF HIGH COURT OF KERALA**

REVIEW PETITIONER/PETITIONER:

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THOMAS JOSEPH @ REJI
S/O. KOSHY JOSEPH
LEMON VILLA, CHERTHALA NORTH VILLAGE, ALAPPUZHA DISTRICT**

BY ADV. SRI.B.PRAMOD

RESPONDENTS/RESPONDENTS:

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- 1. RETNA KUMAR, S/O. SADANANDA PAI,
RETNA VIHAR, CHERTHALA VADKKUM MURI, ALAPPUZHA 688 001**
 - 2. U. VENKITESWARA RAO, S/O. SUNDER KAMMATH
LEKSHMI NIVAS, CHERTHALA KIZHAKKUM MURI,
PRESENT ADDRESS 1641/11TH MAIN 6TH CROSS
HAL III STAGE, BANGALORE 56001**
 - 3. S. VALSALA BAI, KURIKAYIL VEETIL
CHERTHALA VASDAKKUM MURI, ALAPPUZHA 688 524**
 - 4. UMESH KAMMATH, S/O. SUNDER KAMMATH
LEKSHMI NIVAS, CHERTHALA KIZHAKKUM MURI, ALAPPUZHA 688 524**
 - 5. JAYASREE W/O. UMESH KAMMATH
LEKSHMI NIVAS, CHERTHALA KIZHAKKUM MURI, ALAPPUZHA 688 524**
 - 6. U. SUNDER KAMMATH, LEKSHMI NIVAS
CHERTHALA KIZHAKKUM MURI, ALAPPUZHA 688 524**
 - 7. U. RAMESH KAMMATH, P.O. BOX NO.415
MUSCAT-113, SULTANATE OF OMAN FROM LEKSHMI NIVAS
CHERTHALA KIZHAKKUM MURI, ALAPPUZHA 688 524**
 - 8. U. MOHANDAS KAMMATH, 246 GARDEN VILLA, MARUTI NAGAR
NAGAR BALI ROAD, BANAGALORE 72 FROM LEKSHMI NIVAS
CHERTHALA KIZHAKKUM MURI, ALAPPUZHA 688 524**

**R BY SRI.R.RAMESH
R BY SRI.C.K.SAJEEV**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

shg/

K. ABRAHAM MATHEW, J.

R.P.No.262 of 2015

in

A.S.No.447/2002

Dated this the 1st day of April, 2015

O R D E R

This is a review petition filed by the petitioner in I.A.1841/2013 in MJC 21/2010 in AS 447/2002. The prayer in the application was to allow the petitioner to get himself impleaded in the appeal. It was dismissed by this court with the following observation: "It appears that the proper remedy for the petitioner is to institute a suit to declare that the decree in the suit is invalid as it was obtained by collusion". It is submitted that the petitioner has obtained title to the property in a court auction held in O.S.4/1997 on the file of Sub Court, Cherthala. The ground on which the order is sought to be reviewed is that it is not necessary for him to challenge the decree, the validity of which was challenged in this appeal.

2. Heard.

3. On the facts of the case it appears that a

clarification is sufficient. It is made clear that the order passed by this court will not compel the review petitioner to file a suit. If he is so advised, he may initiate other proceedings or he may take any defence in any proceedings that may be instituted by the other side.

In the result, with the above observation, this review petition is closed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/