

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.BHAVADASAN**

**TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937**

**RP.No. 302 of 2015**  
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**CRP 19/2015, DATED 04-03-2015**  
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**REVIEW PETITIONER(S)/REVISION PETITIONERS:-:**  
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1. **MAKKIMALA TEA ESTATES (P) LTD.,**  
**A COMPANY REGISTERED UNDER THE COMAPNIES ACT**  
**HAVING REGISTERED OFFICE AT 425, DEVAMBA AGRAHAR**  
**MYSORE AND ADMINISTRATIVE OFFICE AT 16/14, 2ND CROSS**  
**COIMBATORE-6, RPERESENTED BY ITS PRESENT**  
**MANAGING DIRECTOR R. VENUGOPAL.**
2. **E. VENUGOPAL, AGED 59 YEARS**  
**S/O.K RAMARAJ, NOW RESIDING AT 16/14, 2ND CROSS**  
**SHOBHANAGAR, AVARAMPALAYAM, COIMBATORE-6.**
3. **V.K SUDHARAM, AGED 51 YEARS**  
**VADAKKEPARAMBIL HOUSE, GOLDSMITH, VELIYANNOOR P.O.**  
**KOTTAYAM DISTRICT - 686 638.**

**BY ADVS.SRI.BIJU ABRAHAM**  
**SRI.B.G.BHASKAR**

**RESPONDENT(S)/RESPONDENTS:-:**  
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1. **K.M.IBRAHIM, AGED 71 YEARS**  
**MAIN ROAD, SUNTICOPA, COORG DISTRIC**  
**KARNATAKA STATE, DIRECTOR**  
**MACKIMALAI TEA ESTATE PVT. LTD., CHERAKKARA P.O.**  
**MANANTHAVADY, WAYANAD DISTRICT - 670 644.**
2. **NAFEESA IBRAHIM, AGED 66 YEARS**  
**W/O. K.M IBRAHIM, MAIN ROAD, SUNTICOPA**  
**COORG DISTRICT, KARNATAKA STATE, SHARE HOLDER**  
**MACKIMALAI TEA ESTATE PVT. LTD., CHERAKKARA P.O.**  
**MANANTHAVADY, WAYANAD DISTRICT - 670 644.**

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3. K.I SHERIFF, AGED 46 YEARS  
S/O.K.M IBRAHIM, MAIN ROAD, SUNTICOPA  
COORG DISTRICT, KARNATAKA STATE, MANAGING DIRECTOR  
MACKIMALAI TEA ESTATE PVT. LTD., CHERAKKARA P.O  
MANANTHAVADY, WAYANAD DISTRICT, VALLIYOORKAVU ROAD  
ARATTUTHARA, MANANTHAVADY - 670 644.
4. K.I ABDURAHIMAN, AGED 43 YEARS  
S/O.K.M IBRAHIM, MAIN ROAD, SUNTICOPA  
COORG DISTRICT, KARNATAKA STATE, DIRECTOR  
MACKIMALAI TEA ESTATE PVT. LTD., CHERAKKARA P.O.  
MANANTHAVADY, WAYANAD - 670 644.
5. R.VARADARAJAN, AGED 56 YEARS  
S/O.K RAMARAJ, COMPANY EMPLOYEE, NOW RESIDING AT 53A  
SOUTH STREET NO 2, AVARAMPALYI, COIMBATORE-6.
6. S.RAMU, AGED 41 YEARS  
S/O. SOMASUNDARAM, SOUTH STREET NO2, AVARAMPALAYAM  
COIMBATORE - 6.

R1-4 BY ADV.SRI.JAJU BABU (SR.)  
SMT.M.U.VIJAYALAKSHMI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24-03-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

**P. BHAVADASAN, J.**

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R.P. No. 302 of 2015 in  
C.R.P. No. 19 of 2015  
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Dated this the 24<sup>th</sup> day of March, 2015.

**ORDER**

This Review Petition is confined to the prayer that the challenge against the order dated 20.10.2014 has not been answered. It so happened that the defendants in the suit took objection to the valuation made in the plaint by the plaintiffs and the court below in its wisdom found in favour of the defendants and the plaintiffs were directed to properly value the suit and pay court fee after proper valuation. That was under challenge in the Civil Revision Petition.

2. However, on appearance of the respondents, it turned out that the court below on 4.12.2014 rejected the plaint under Order 7 Rule 11 of the Code of Civil Procedure for want of payment of balance court fee.

3. When that was brought to the notice of this Court, obviously since there is an appeal provided against the rejection of the plaint, nothing could be done in the matter and this Court therefore closed the C.R.P. as infructuous.

4. Learned counsel for the petitioner points out that by the dismissal of the C.R.P. as infructuous, it may so happen that it may be treated as confirming the impugned order and that causes considerable prejudice to him.

This Review Petition is disposed of leaving open the question of validity of the order to be challenged in the revision petition in a properly constituted appeal, if filed by the petitioner.

sb.

P. BHAVADASAN,  
JUDGE