

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

RP.No. 688 of 2015

JUDGMENT DATED 02-06-2015 IN OP(C) 925/2015
.....

REVIEW PETITIONER(S)/(RESPONDENTS 1 TO 5 IN OPC):

1. ELAMMA,
W/O. THOMAS, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.
2. BABY,
S/O. THOMAS, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.
3. GEORGE,
S/O. THOMAS, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.
4. SAJU,
S/O. THOMAS, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.
5. ELIKUTTY,
W/O. ANTONY, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.

**BY ADVS.SRI.P.THOMAS GEEVERGHESE
SRI.TONY THOMAS (INCHIPARAMBIL)**

RESPONDENT(S)/PETITIONER IN OP(C) & 6TH RESPONDENT IN OP(C):

1. M.M.JOHN @ BENNY, AGED 49 YEARS,
S/O. MATHAI, PALATHINKAL VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683 562.
2. MINI,
D/O. ELIKUTTY, KACHAPPILLY VEETIL, THAMARACHALPRAM,
KIZHAKKAMBALAM VILLAGE, ERNAKULAM DISTRICT-683562.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RPNo. 688 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE COPY OF OBJECTION FILED BY THE REVIEW PETITIONERS IN
IA.NO.501/2015 IN OS.78/2015 BEFORE MUNSIFF'S COURT,
PERUMBAVOOR.**

**ANNEXURE A2: TRUE COPY OF REPORT OF ADVOCATE COMMISSIONER IN
IA.NO.647/2015 IN OS.78/2015 BEFORE MUNSIFF'S COURT,
PERUMBAVOOR.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

.....
R.P. No.688 of 2015
in
O.P.(C) No.925 of 2015
.....

Dated this the 6th day of August, 2015

O R D E R

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Heard learned counsel for the review petitioners and learned counsel for the respondents.

2. According to the learned counsel for the review petitioners, he could not appear before this Court on the date of which the matter stood posted, and it was without hearing him that the judgment was passed. It is a fact that there was no representation for the respondents on the date on which the judgment was passed.

3. According to the learned counsel for the review petitioners, the Commissioner has already visited the property, executed the order, and has filed report dated 09.04.2015. It seems that the O.P.(Civil) was filed much prior to it and this Court had passed an interim order on

01.04.2015. According to the learned counsel for the respondents, the order was served on the court below as well as the matter was intimated to the Commissioner appointed by the court below. The Commissioner's report was filed on 09.04.2015 only. On going through the judgment passed by this Court, it does not reveal any error apparent on the face of the record. Matters being so, this R.P. is not of any merit, and it is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/08

// True Copy //

PA to Judge