

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

RP.No. 966 of 2015 () IN FAO.274/2012

AGAINST THE ORDER/JUDGMENT IN FAO 274/2012 of HIGH COURT OF
KERALA DATED 06-09-2012

REVIEW PETITIONER(S)/3RD RESPONDENT:

M/S. TRADERS TOWER CONSTRUCTIONS PROPERTY
DEVELOPERS PVT. LTD.,
(EARLIER HAVING IT OFFICE AT DOOR NO.5/2486
SWARGACHITHRA, BANK ROAD, KALATHINKUNNU AMSOM DESOM
KOZHIKODE) NOW HAVING ITS REGISTERED OFFICE AT T-15
BUILDING NO.5/3410, 1ST FLOOR, ADMINISTRATIVE OFFICE
R.P.MALL, MAVOOR ROAD, CALICUT 673004
REPRESENTED BY ITS AUTHORISED SIGNATORY

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS

RESPONDENT(S)/APPELLANT, RESPONDENTS 1,2,4 TO 6:

1. COCHIN SMART CITY PROPERTIES PVT. LTD.
PEEVEES TRITON, MARINE DRIVE
COCHIN-682031, REPRESENTED BY ITS
MANAGING DIRECTOR P.P.JOSE,
CONVENT ROAD, POST KORATTY
TRICHUR DISTRICT.
2. JOSE JOSEPH, AGED 53 YEARS
S/O.THOMMAN JOSEPH, KOCHUPURAKKAL, 28/173
CHEVARAMBALAM P.O., NELLIKODE AMSOM AND DESOM
KOZHIKODE -673011.

RP966/15

3. C.P.USMAN, AGED 57 YEARS
S/O.KUNJUTTY, SHAMNAS,
PANNIYANKARA AMSOM DESOM
P.O.KALLAI, KOZHIKODE-673011
4. APPACHAN @ P D ABRAHAM, AGED 60 YEARS
S/O.DEVASSYA, SWARGACHITRA, BANK ROAD
KALATHINKUNNU AMSOM DESOM, KOZHIKODE.
5. P A SANEESH, AGED 38 YEARS
S/O.P.A.ABRAHAM, SWARGACHITRA, BANK ROAD
KALATHINKUNNU AMSOM DESOM, KOZHIKODE.
6. MANISH ABRAHAM, AGED 36 YEARS
SWARGACHITRA, BANK ROAD
KALATHINKUNNU AMSOM DESOM, KOZHIKODE.

R2-R3 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)

R2-R3 BY ADV. SRI.LAL GEORGE

R1 BY SRI.A.RANJITH NARAYANAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
19-11-2015, ALONG WITH RP. 1001/2015, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

jg-28/11

RP 966/15

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE-A : COPY OF REPORT DATED 29.11.2013 OF THE
REGIONAL FORENSIC SCIENCE LABORATORY, KANNUR.

ANNEXURE-B : COPY OF POLICE COMPLAINT DATED 09.02.2015
FILED BY THE REVIEW PETITIONER BEFORE THE STATION HOUSE
OFFICE, NADAKKAVU POLICE STATION, KOZHIKODE.

//TRUE COPY//

PA TO JUDGE.

jpg-28/11

THOTTATHIL B.RADHAKRISHNAN

&

A.V.RAMAKRISHNA PILLAI, JJ.

R.P.No.966 of 2015 in FAO No.274 of 2012,
R.P.No.1001 of 2015 in FAO No.273 of 2012,
C.M.Appl.No.595 of 2015 in R.P.No.966 of 2015
and
C.M.Appl.No.608 of 2015 in R.P.No.1001 of 2015

Dated this the 19th day of November, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. These applications seeking review of common judgment issued in two appeals against orders of temporary injunction came up with applications seeking condonation of delay.
2. We have heard the learned Senior counsel for the review petitioner and the learned Senior counsel for respondent Nos.1 and 2.
3. Through the judgment sought to be reviewed all that has been done was to refuse interference with order of temporary injunction, which governed the parties, when appeals against orders were disposed of. It was noted that the trial court had elaborately discussed different aspects of the litigation in the common order on interlocutory applications. It was therefore

directed that the trial court will try and dispose of the suit untrammelled by anything that was stated in the order on interlocutory applications.

4. It appears that after the appeals were ordered as above by this Court, certain opinions of experts have been made available by both sides; one coming from the Government Sector and the other from the private sector. The admissibility of those materials, and the evidentiary value of those opinions, and, the effect of those opinions, are entirely within the domain of the trial court. Similarly, there is nothing in the judgment sought to be reviewed which militates against any due action in any jurisdiction insofar as any allegation relating to the documents is concerned. Therefore, we are of the view that the plea of the review petitioner that authorities under the criminal law are not proceeding with any action in view of the judgment sought to be reviewed is quite misplaced.

5. On the whole, all that is necessary is to clarify that the common judgment sought to be reviewed does not stand in the way of

any legal proceedings between the parties, and the trial court will decide the suit untrammelled by anything stated in the common order impugned in the appeals or in the common judgment that is issued in the appeals. The trial court will consider disposing of the suit within a reasonable time frame.

The C.M.Applications and review petitions are ordered as above.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(A.V.RAMAKRISHNA PILLAI, JUDGE)