

Nissar vs Kunhabdulla

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(C)/515/2024

Appellant : Nissar

Respondent : Kunhabdulla

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYASHTA, 1946 OP(C) NO. 515 OF 2024 AGAINST THE ORDER/JUDGMENT DATED 08.01.2024 IN I.A.NO.1/2022 IN OS NO.46 OF 2022 OF ASSISTANT SESSIONS COURT/SUB COURT/ COMMERCIAL COURT, KARUNAGAPPALLY PETITIONERS/PETITIONERS/PLAINTIFFS: 1 NISSAR AGED 56 YEARS, S/O. MUHAMMED KUNJU, KOLLAM DISTRICT, PIN - 690522 2 SHAMEEMA BEEVI AGED 48 YEARS, W/O. NISSAR, KOLLAM DISTRICT, PIN - 690522 BY ADV ABDUL SALIM M. RESPONDENTS/RESPONDENTS/DEFENDANTS: 1 KUNHABDULLA AGED 48 YEARS, S/O. AHAMMED HAJI, VALAYAM MURI, , VALAYAM VILLAGE, KOZHIKKODUE DISTRICT, PIN - 673517 2 ISHU AGED 70

YEARS, W/O. AHAMMED HAJI, VALAYAM MURI, VALAYAM VILLAGE, KOZHIKKODUE DISTRICT, PIN - 673517 BY ADV R.K.MURALEEDHARAN THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

The impugned order is one passed under Order XXXVIII Rule 6(2) of the CPC. It is appealable under Order XLIII Rule 1(q) of CPC. Hence, this original petition is dismissed with liberty to the petitioners to approach the appellate forum. Sd/- DR. KAUSER EDAPPAGATH JUDGE APA ..3.. APPENDIX OF OP(C) 515/2024 PETITIONER EXHIBITS EXHIBIT-P1 TRUE COPY OF THE SUIT OS NO. 46/2022 FILED BY THE PETITIONERS/PLAINTIFFS BEFORE THE SUB COURT EXHIBIT-P2 TRUE COPY OF THE APPLICATION FOR ATTACHMENT IN OS NO. 46/2022 FILED BY THE PETITIONERS/PLAINTIFFS BEFORE THE SUB COURT EXHIBIT-P3 TRUE COPY OF THE APPLICATION IA NO.1/2022 IN OS 46/2022 FOR ATTACHMENT FILED BY THE PETITIONERS /PLAINTIFFS EXHIBIT-P4 TRUE COPY OF THE INTERIM ORDER PASSED BY THE LEARNED SUB JUDGE IN IA NO.1/2022 DATED

EXHIBIT-P5 (A) TRUE COPY OF THE AFFIDAVIT AND

WRI

LEARNED SUB JUDGE VACATING THE ATTACHMENT EXHIBIT P7 TRUE COPY OF THE PHOTOCOPIES OF THE CERTAIN PAGES OF THE PASSPORT EXHIBIT P8 TRUE COPY OF THE STATEMENT OF ACCOUNTS BEARING ACCOUNT NO.67188870063 EXHIBIT P9 TRUE COPY OF THE STATEMENT OF ACCOUNTS BEARING ACCOUNT NO.3537101006117 EXHIBIT P10 TRUE COPY OF THE STATEMENTS OF ACCOUNTS RELEASING FROM STATE BANK OF INDIA

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