

Secretary vs Sunilkumar

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Court : Kerala

Decided On : Jun-04-2024

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(C)/1187/2024

Appellant : Secretary

Respondent : Sunilkumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 4TH DAY OF JUNE 2024 / 14TH JYAISHTA, 1946 OS
NO.353 OF 2020 OF PRINCIPAL MUNSIF COURT ,IRINJALAKUDA
PETITIONER/RESPONDENT/DEFENDANT: SECRETARY KARALAM
GRAMA PANCHAYATH GRAMAPANCHAYATH OFFICE, KARALAM,
KARALAM.P.O, THRISSUR DISTRICT, PIN - 680711 BY ADVS.
V.M.KRISHNAKUMAR P.R.REENA
RESPONDENT/PETITIONER/PLAINTIFF: SUNILKUMAR AGED 51
YEARS S/O KATTUNGAL BALAN, KUTTOOR.P.O, ILLIKKAD DESOM,
KARALAM VILLAGE, MUKUNDAPURAM TALUK, THRISSUR
DISTRICT, PIN - 680013 THIS OP (CIVIL) HAVING COME UP FOR

ADMISSION ON 04.06.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: - : 2 :-

JUDGMENT

Exhibit-P5 order allowing the amendment application filed under Order 6 Rule 17 of Code of Civil Procedure (for short, the 'CPC') is under challenge in this original petition.

2. The petitioner is the defendant and the respondent is the plaintiff in O.S.No.353 of 2020 on the files of the Munsiff Court, Irinjalakuda (for short, 'the trial court').

3. The suit is one for permanent prohibitory injunction

against the defendant Panchayat. In the cause title, the defendant has been shown as Secretary, Karalam Grama Panchayat. After the commencement of the trial, the plaintiff filed I.A.No.7 of 2024 to amend the cause title as Karalam Grama Panchayat represented by its Secretary. The trial court allowed the application as per Ext.P5 order. Challenging the said order, this original petition has been filed.

4. Heard both sides.

5. The suit is against the Panchayat. The Panchayat has

- : 3 :- to be represented by its Secretary, instead the Secretary has been shown as the defendant. In the affidavit filed in support of I.A.No.7 of 2024, the plaintiff has asserted that it is only a typographical error. Though this application has been filed after the commencement of the trial, considering the fact that the amendment sought is only to correct a typographical error and that it will not alter the nature and character of the suit, the trial court was justified in allowing the amendment application. I find no reason to interfere with the impugned order. Accordingly, the original petition is dismissed. Sd/- DR.KAUSER EDAPPAGATH, JUDGE AS - : 4 :-
APPENDIX OF OP(C) 1187/2024 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE PLAINT IN OS.NO.353/2020 FILED BEFORE THE MUNSIFF COURT IRINJALAKUDA DATED NIL JUNE 2020 EXHIBIT P2 TRUE COPY OF THE WRITTEN STATEMENT IN OS.NO.352/2020 FILED BY THE PETITIONER

DATED NIL. EXHIBIT P3 TRUE COPY OF IA.NO.7/2024 IN OS.353/2020 FILED BEFORE THE MUNSIF COURT IRINJALAKUDA DATED 1.3.2024 EXHIBIT P4 TRUE COPY OF OBJECTION FILED BY THE PETITIONER IN IA.NO.7/2023 IN OS.353/2020 DATED 5.3.2024 EXHIBIT P5 TRUE COPY OF THE ORDER OF THE MUNSIF COURT, IRINJALAKUDA IN IA.7 OF 2024 IN OS.353/2020 DATED 26.03.2024

EXHIBIT P6

TRUE COPY OF THE ORDER OF THE DEPUTY

10.05.2024

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