

Patta vs N.P. Pavithran

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Court : Kerala

Decided On : Jul-04-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : OP(C)/828/2023

Appellant : PATTa

Respondent : N.P. Pavithran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN TUESDAY, THE 4TH DAY OF JULY 2023 / 13TH ASHADHA, 1945 AGAINST THE ORDER DATED 21/03/2023 IN I.A.NO.2/2023 IN O.S.NO.273/2012 OF MUNSIF COURT, HOSDRUG PETITIONERS/RESPONDENTS/DEFENDANTS: 1 PATTa, AGED 60 YEARS, D/O LATE POKKEN, HOSDURG TALUK, POST ECHIKANAM, KASARAGOD DISTRICT- 671531 2 MOHANAN, AGED 45 YEARS, S/O PATTa, RESIDING AT NEERALI, AMBALATHARA VILLAGE, HOSDURG TALUK, POST ECHIKANAM, KASARAGOD DISTRICT- 671531 BY ADV KODOTH SREEDHARAN RESPONDENTS/PETITIONERS/PLAINTIFFS:

1 N.P. PAVITHRAN, AGED 47 YEARS, S/O LATE PUTHIYAPURAYIL KUNJIRAMAN, KASARAGOD DISTRICT PIN. 671 531 2 K.C. SAROJINI, AGED 70 YEARS, W/O LATE PUTHIYAPURAYIL KUNJIRAMAN, KASARAGOD DISTRICT PIN 671 531 3 VINODKUMAR, N.P, AGED 40 YEARS, S/O LATE PUTHIYAPURAYIL KUNJIRAMAN, NEERALI, AMBALATHARA VILLAGE, HOSDURG TALUK, ECHIKANAM POST, KASARAGOD DISTRICT- 671531 4 SEEMA N.P., AGED 37 YEARS, D/O LATE PUTHIYAPURAYIL KUNJIRAKAN, NEERALI, AMBALATHARA VILLAGE, HOSDURG TALUK, ECHIKANAM POST, KASARAGOD DISTRICT- 671531

5 PUTHIYAPURAYIL KUNHIRAMAN (DIED) KASARAGOD DISTRICT- 671531 BY ADVS. A.ARUNKUMAR - FOR R1 TO R4 HEERAKRISHNA T.H. - FOR R1 TO R4 SACHIN GEORGE ARAMBAN - FOR R1 TO R4 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 04.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

An amendment application was filed in the trial court so as to rectify the mistake crept in the plaint schedule description regarding its boundary, extent, etc. It was originally allowed by the trial court, but it was not carried out in time. Resultantly, it was rejected by the trial court on the said ground. Thereafter, a review petition was filed which was allowed. The suit is of the year 2012. Nothing was mentioned in the

order with respect to the delay occasioned due to

the default on the part of the plaintiff. When the matter came up for hearing, the learned counsel for the respondent/plaintiff fairly submitted that they are prepared to pay the cost and suggested an amount of Rs.3,000/-. It shall be paid to the defendants at the trial court within 15 days from today. It is made clear that in the event of non- payment of the said amount, the order passed by the trial court in the review application will stand set aside and there will be a further direction to

the trial court to proceed with the suit and to dispose of the same at the earliest moment without causing further delay. The Original Petition will stand disposed of accordingly. Sd/- P.SOMARAJAN JUDGE rkr-04/07 APPENDIX OF OP(C) 828/2023 PETITIONERS EXHIBITS Exhibit.P1 TRUE COPY OF THE PLAINT IN OS NO.273/2012 OF MUNSIFF COURT,HOSDURG Exhibit.P2 TRUE COPY OF THE WRITTEN STATEMENT IN OS NO.273/2012 Exhibit.P3 TRUE COPY OF THE I.A. NO.3/2022 IN OS NO.273/2012 DATED 06/10/2022 OF MUNSIFF COURT,HOSDURG Exhibit.P3(a) COUNTER FILED BY THE RESPONDENTS IN I.A.NO.3/2022 IN O.S.NO.273/2012 OF MUNSIFF COURT, HOSDURG Exhibit.P4 TRUE COPY OF THE ORDER IN I.A. NO.3/2022 IN OS NO.273/2012 DATED 03/02/2023 Exhibit P5 TRUE COPY OF THE I.A.N.O2/2023 IN O.S.N.O273/2012 FILED BY THE PLAINTIFF DATED Exhibit.P5(a) COUNTER FILED BY THE DEFENDANTS IN I.A.N.O2/2023 IN O.S.N.O273/2012 FILED BY THE PLAINTIFF DATED 20/2/2023 Exhibit.P6 TRUE COPY OF THE ORDER IN IA NO.2/2023 IN OS NO.273/2012 DATED 21/3/2023 RESPONDENTS EXHIBITS NIL TRUE COPY P.A.TO JUDGE

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