

Mallika vs Chandrika

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Court : Kerala

Decided On : Mar-18-2022

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : CRP/27/2022

Appellant : Mallika

Respondent : Chandrika

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943
AGAINST THE ORDER/JUDGMENT IN CRP 27/2022 OF HIGH COURT
OF KERALA REVIEW PETITIONER/REVISION PETITIONER: MALLIKA
AGED 50 YEARS KOTHATH HOUSE, MANNAMBATTA DESOM BY
ADVS. RAMESH .P ASWATHI SURESH
RESPONDENTS/RESPONDENTS: 1 CHANDRIKA AGED 44 YEARS
D/O.APPUNI, PALAKKATHODIYIL HOUSE, ARAKKURUSSI DESOM,
MANNARKKAD TALUK PALAKKAD, PIN - 678582 2 RAMANKUTTY
AGED 55 YEARS S/O.LATE APPU GUPTHAN EDATHODIYIL HOUSE,
POKKALI, MANNAMBATTA DESOM, OTTAPALAM TALUK THIS

REVIEW PETITION HAVING COME UP FOR ADMISSION ON 18.03.2022, ALONG WITH CRP NO.27/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 18TH DAY OF MARCH 2022 / 27TH PHALGUNA, 1943
CRP NO. 27 OF 2022 AGAINST THE JUDGMENT IN CMA No.12/2019
OF THE ADDITIONAL DISTRICT COURT, OTTAPPALAM

ORDER IN IA NO.1/2021 IN CMA NO.12/2019 OF THE ADDITIONAL

DISTRICT COURT, OTTAPALAM REVISION
PETITIONER/APPELLANT/PLAINTIFF: MALLIKA AGED 50 YEARS
W/O.RAMANKUTTY, KOTHATH HOUSE, MANNAMBATTA DESOM,
OTTAPALAM TALUK, BY ADVS. RAMESH .P ASWATHI SURESH
RESPONDENTS/RESPONDENTS/DEFENDANTS: 1 CHANDRIKA AGED 44
YEARS PALAKKATHODIYIL HOUSE, ARAKKURUSSI DESOM, MANNARKKAD
TALUK, PALAKKAD, PIN - 678582 2 RAMANKUTTY AGED 55 YEARS S/O.LATE
APPU GUPTHAN EDATHODIYIL, POKKALI, MANNAMBATTA DESOM,
MANNARKAD TALUK, OTTAPALAM, PALAKKAD, PIN - 679101 THIS REVISION
PETITION HAVING COME UP FOR ADMISSION ON 18.03.2022, ALONG WITH
RP.195/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

COMMON ORDER

Dated this the 18th day of March, 2022 RP No.195/2022 As per order dated 18.02.2022, practically, review petition has already been allowed. Therefore, R.P.No.195/2022 stands allowed as per order dated 18.02.2022. CRP No.27/2022 This Revision Petition has been filed by the plaintiff in O.S.No.109/2014 on the file of the Munsiff Court, Ottappalam. The Suit was dismissed and the petition filed to set aside the dismissal also was dismissed. Therefrom, the petitioner filed CMA No.12/2019. As per order dated 22.10.2021, the learned District Judge allowed the appeal and restored the Suit, subject to payment of cost of Rs.20,000/- to the

defendant within 10 days from 22.10.2021. But the petitioner failed to pay the cost and accordingly, the appeal also stands dismissed. A petition I.A.1/2021 was also filed before the appellate court for extending time for payment of cost for a further period of two months. That also was dismissed.

2. In this case, notice effected by paper publication against respondents 1 and 2. But nobody appeared.

3. Heard the learned counsel for the petitioner. He

submitted that the petitioner is a poor lady living in penury and therefore, she could not remit the cost within time and leniency may be shown by granting 15 days time more to remit the cost and restore the Suit.

4. Having considered the facts of the case as

discussed, I am inclined to modify the order in I.A.No.1/2021 in CMA No.12/2019 and in CMA No.1/2021, permitting the petitioner to remit Rs.20,000/- within two weeks from today before the trial court and seek restoration of the Suit by filing memo. It is made clear that if the petitioner fails to pay the cost as directed, in obedience to this order within 15 days of time, the petitioner herself had suggested, I.A.No.1/2021 in CMA No.12/2019 and CMA No.12/2019 will stand dismissed and the Suit also will stand dismissed. It is specifically ordered that no further time extension will be granted on any contingency, by this Court. Registry shall forward a copy of this order to the court below concerned, within seven days, for information and compliance. Sd/- A. BADHARUDEEN JUDGE nkr APPENDIX OF RP 195/2022 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE AUTHORIZATION LETTER NO. HCLSC(P)10/2022 ISSUED BY THE HIGH COURT LEGAL SERVICES COMMITTEE DATED Annexure 2 CERTIFIED COPY OF THE ORDER IN CRP

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