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**Chenthamara, vs Krishnaveni,**

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**SooperKanoon Citation** : sooperkanoon.com/1455995

**Court** : Kerala

**Decided On :** Feb-28-2022

**Judge** : Honourable Mr. Justice a. Badharudeen

**Appeal No.** : OP(C)/400/2022

**Appellant** : Chenthamara,

**Respondent** : Krishnaveni,

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, OP(C) NO. 400 OF 2022 AGAINST OS 176/2020 OF MUNSIFF MAGISTRATE COURT, ALATHUR PETITIONER/DEFENDANT : CHENTHAMARA, AGED 57 YEARS S/O. KRISHNAN, KOLAMKODE HOUSE, MANJAPRA, ALATHUR TALUK, PALAKKAD DISTRICT-678 584. BY ADVS. K.MOHANAKANNAN H.PRAVEEN (KOTTARAKARA) RESPONDENT/PLAINTIFF: KRISHNAVENI, AGED 64 YEARS KOLAMKODE HOUSE, MANJAPRA, LATHUR TALUK, PALAKKAD DISTRICT 678 584. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: ..2..

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## JUDGMENT

Heard the learned counsel for the petitioner on admission.

2. In this case, the order dated 16.07.2021

passed by the learned Munsiff, Alathur under Order 39 Rule 1 and 2 of the Civil Procedure Code is under challenge. No doubt, this is an appealable order as provided under Order 43 Rule 1(r) of the Code of Civil Procedure. Hence, this original petition is dismissed, with liberty to the petitioner to approach the appellate court and address his grievances. Sd/- A.BADHARUDEEN, JUDGE rkj ..3.. APPENDIX OF OP(C) 400/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE PLAINT IN OS 176/2020 OF MUNSSIF COURT, DATED 22.6.2020. Exhibit P2 TRUE COPY OF THE AFFIDAVIT AND PETITION FILED IN SUPPORT OF IA Exhibit P3 TRUE COPY OF THE ORDER IN IA NO.876/2020 IN OS 176/2020 DATED 22.6.2020. Exhibit P4 TRUE COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER DATED 7.7.2020. Exhibit P5 TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE PANCHAYAT DATED 25.06.2020. Exhibit P6 TRUE COPY OF THE DEVELOPMENT PERMIT ISSUED BY THE PANCHAYATH DATED 29.5.2019. Exhibit P7 TRUE COPY OF MINING PERMIT NO. 28.12.2020. Exhibit P8 TRUE COPY OF THE OBJECTION FILED BY THE DEFENDANT IN IA 876/2020. Exhibit P9 TRUE COPY OF THE ORDER PASSED BY THE MUNSIFF COURT, ALATHUR IN IA 1/2018 (876/2020) IN OS 176/2020 DATED 16.7.2021.

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