

IN THE COURT OF THE SUBORDINATE JUDGE, ALAPPUZHA

Present:-Smt. Rekha Laurian, Sub Judge

Thursday the 22nd day of January, 2026/ 02nd day of Magha 1947

IA 06/2024 in O.S.No. 37/2023

Filed on 21.05.2024

Petitioner/ Defendant:- A. Riyas, S/o Abdul Kasim, Valuparambil House,
Aalissery Ward, Alappuzha West Village,
Alappuzha

(By Adv.K.Najeeb)

Cr. Petitioners/ Plaintiffs:-

1. Mani Joseph, S/o Joseph,
Puthuparambil House, Elamkulam Village,
Kottayam.
2. Muhammad Niyas, Pathoorpally House,
Kanjirappally, Kottayam.

(By Adv.E.M Suresh)

This petition having been finally heard on 22.1.2026 and the court on the same day passed the following:-

ORDER

The application is filed the defendant under O.38 R.9 of section 151 of Code of Civil Procedure for communicating the order vacating attachment in IA.1/2023.

2. The petition averments in brief are as follows: - Petitioner is the defendant. On 11.03.2024, the plaint was rejected under O.7 R.11 (C) of Code of Civil Procedure. Since the plaint was rejected on the said date, the attachment was also vacated. Hence it may be communicated to the Village Office, Paravoor and SRO, Alappuzha.

3. Objection filed by the respondent reads as follows :- The application is not maintainable either in law or on facts. Order in IA.1/2023 had been made absolute under O.38 R.6. The plaint was rejected on 11.03.2023 under O.7 R.11. Later RP.7/2024 was filed and order was reviewed. So the Order in IA.1/2023 will automatically be revived. Order 38 Rule 11-A(2) is not applicable in this case. It is applicable only when the suit is dismissed for default. So the application may be dismissed with costs.

4. Heard both sides.

5. I perused the records. It is seen that this court had made conditional attachment dated on 29.01.2024 absolute. But on 11.03.2024, the plaint was rejected and so the litigation itself culminated on the said date. Hence the order in IA.1/2023 also stands vacated on the said date. For these reasons, I am inclined to allow this application.

6. In the result, the application is allowed. Communicate the order of vacating the attachment to SRO, Alappuzha and Village Officer, Paravoor.

(Dictated to the Confidential Asst. transcribed and typed by her, corrected by me and pronounced in open court today this the 22nd day of January, 2026.)

REKHA LAURIAN
SUB JUDGE

Appendix:-Nil

SUB JUDGE

Fair Copy of Order in IA 6/2024
in OS 37/2023 Dated 22/1/2026