

IN THE COURT OF THE SUBORDINATE JUDGE, ALAPPUZHA
Present:-Smt. Rekha Laurian, Sub Judge
Saturday the 28th day of February, 2026/ 09th day of Phalguna 1947

IA 01/2026 in O.S.No. 37/2023

Filed on 09.02.2026

Review Petitioners/Plaintiffs:

1. Mani Joseph, aged 60 years,
S/o. Joseph, Puthuparambil House,
Koorali P.O, Ilamkulam Village,
Kanjirappalli Taluk, Kottayam District.
2. Muhammad Niyas, aged 57 years,
S/o. Sayed Muhammed,
Puthoorpalli House, Kanjirappalli P.O,
Kanjirappalli Village, Kanjirappalli Taluk,
Kottayam.

(By Adv E.M.Suresh)

Respondent/Defendant:-

A.Riyas,aged 52 years, S/o. Abdul Kasim,
Valuparambil, Alapuzha Head Post Office,
Alappuzha Kara, Alappuzha West Village,
Ambalappuzha Taluk, Alappuzha District.

(By Adv. Jayan C.Das)

This petition having been finally heard on 18.02.2026 and the court on the 28.02.2026 passed the following:-

ORDER

The application is filed under Order 47 Rule 1 of 151 of Code of Civil Procedure for review the order.

2. The petition averments in brief are as follows: - Petitioners are the plaintiffs in the suit and respondent is the defendant. On 11.03.2024, the above case was posted for remitting balance court fee. Since balance court fee was not remitted plaint is rejected. Aggrieved by the said order, petitioner had preferred an application

for review as RP.7/2024 after remitting court fee by incorporating prayer to review the order dated 11.03.2024 and may restore the suit, also order passed in IA.1/2023 may also restored. On 17.07.2024, this court allowed the above RP.7/2024 and the suit is restored. Respondent here in filed IA.6/2024 claiming that the attachment already passed by this court has not restored automatically by the restoration of the suit and that the attachment already granted by this court may be lifted and this court allowed that petition on 22.01.2026. Thus in effect there is no attachment over the defendants property and hence this application is filed among the following grounds:- This court ought to have mentioned the restoration of IA.1/2023 in the order dated 17.07.2024. Since in RP.7/2024 petitioners had sought for prayer to review the order dated 11.03.2024 to restore the suit and also sought for restoring the order passed in IA.1/2023 when the above RP.7/2024 was allowed, was under the impression that both the suit and IA.1/23 were restored. But since IA.6/2024 for lifting the attachment and is allowed by this court there is every chance that the defendant may sell the property to third parties and thus the purpose of the suit itself will be defeated. Hence the petitioner pray that the restoration of order in IA.1/2023 to attach the property again may be granted. Otherwise petitioner will be subjected to irreparable injury and loss. For these and other grounds that may be urged at the time of hearing, it is most humbly prayed that this court may be pleased to review the order dated 17.07.2024 to the effect that apart from restoring the suit specify the restoration order in IA.1/2023 also may be granted.

3. Objection filed by the counter petitioners/defendants reads as follows :- The review petition is not maintainable either in law or on facts. The Order to be reviewed is not produced before the court. There is no error apparent on the face of record in order dated 22.01.2026 in IA.6/2024. No sufficient reason is stated in filing the review petition. An IA cannot be restored by review

petition. The defendants had sold the property on 24.01.2026 as per sale deed No.291/2026 and hence the defendants are no legal owners of the property for these reasons the application is liable to be dismissed.

4. Heard both sides.

5. I perused application, objection and connected records. The contention of the petitioner that when the suit was restored after paying balance court fee the attachment will also be revived is not maintainable as per provision of law. It is settled possession that once the suit is disposed of the attachment will be vacated. There is no error apparent on the face of record that is to be the subject of review. Hence there is no scope in filing application under order 47 Rule 1 .

6. In the result, the application is dismissed with costs.

(Dictated to the Confidential Asst. transcribed and typed by her, corrected by me and pronounced in open court today this the 28th day of February, 2026.)

Sd/-

**REKHA LAURIAN
SUB JUDGE**

Appendix:-Nil

**Id/-
SUB JUDGE**