

IN THE COURT OF THE SUBORDINATE JUDGE, ALAPPUZHA

Present:-Smt. Rekha Laurian, Sub Judge
Wednesday 18th day of March, 2026/27th Phalguna 1947

Review petition 01/2026 in RP No. 1103/2010 in O.S. No. 505/2008

Filed on 26/02/2026

Applicant/Respondent/Plaintiff:-

Babu Antony, aged 58 years, S/o. Antoney,
Nadakepparambil House,
Pathirappally P.O, Alappuzha.

(By Adv. K.C.Sudheer)

Respondent/Petitioner/Defendant:-

Kamala Vasu, aged 76 years,
D/o. Kunjumoney, Kunnukandathil House,
Mararikulam, Kanichukulangara P.O,
Alappuzha.

(By Adv. S.Ramakrishnan)

This petition having been finally heard on 11/03/2026 and court on 18/03/2026 passed the following:-

ORDER

The application is filed by the plaintiff under section 151 of Code of Civil Procedure for reviewing the order dated 19.02.2026.

2. The petition averments in brief are as follows: - The applicant is the plaintiff in OS.505/2008. The case is filed for getting a decree of specific performance with respect to an agreement executed by the respondent/defendant in favour of him. The case has been decreed in his favour and property was delivered to him. There after property was mortgaged to the Kalavoor Co-operative Society in a Chitty transaction by him. The Society brought the above stated property in auction proceedings and present status of the property is not known to him. As such for the examination of the secretary of the said society summons was issued by this court and she appended on 19.02.2026. After several postings of notices

from this court on 04.11.2025, 22.11.2025, 05.12.2025, 18.12.2025, 12.01.2026, 29.01.2026, she appeared on 19.02.2026. On 19.02.2026 his counsel was at Hon'ble High Court to attend CrI.MC.11558/2025 as item No.41 in 7A Court. He was admitted at Lissy Hospital at Ernakulam due to heart attack. On behalf of his counsel an advocate from Alappuzha was entrusted and submitted this court to adjourn after lunch. But the evidence of the case was closed as far as his part is concerned and the case was posted to 26.02.2026. There is no willful negligence or disobedience from the part of his advocate or from his part. The oral evidence of the witness is highly necessitated. Hence the petition may be allowed.

3. No written objection filed.

4. Heard both sides. The application is filed for reviewing the order dated 19.02.2026. The evidence was closed on that day. Even though the application is filed for reviewing the order, it is not filed as per order XLVII rule 3 of Code of Civil Procedure. There is no error apparent on the order sought to be reviewed. Hence I am not inclined to allow this application.

5. 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 18th day of March, 2026.)

Sd/-
REKHA LAURIAN
SUB JUDGE

Appendix:- Nil

Id/-
SUB JUDGE