

IN THE COURT OF THE SUB JUDGE, CHERTHALA

Present: Ms. Lakshmy.S, Sub Judge

Wednesday, the 8th April 2026/ 18th Chaithra 1948

COMMON ORDER IN IA.21/2025 & IA.22/2025 in IA.4/2023 in OS.8/2023

IA.21/2025 in IA.4/2023 in OS.8/2023

(Filed on 10.07.2025)

Petitioner/ 24th Defendant: Sasidharan, aged 70 years, S/o. Appu Nair,
Nedumgootor Nambalattu Veedu, Shornur,
Ottappalam Taluk, Palakkad District,
Proprietor, Nandini Restaurant,
Nandini Tourist Home Pvt. Ltd., Kizhakke Nada,
Guruvayoor

By Adv. P.S. Jyothish Kumar

Respondents:

1. Naveen Jayasankar, S/o. Jayasankar, 26/408 A,
Sudarsanam, Vaikom, Puthiyakavu,
Thripunithura, Ernakulam (1st Plaintiff)
2. Parvathi Ashok, W/o. Jayasankar, 26/408 A,
Sudarsanam, Vaikom, Puthiyakavu,
Thripunithura, Ernakulam (2nd Plaintiff)
3. Alpha Jayasankar, W/o. Jayasankar,
Puliyoor Madom Jayakarathi, CMC – XI,
Cherthala Taluk (1st Defendant)

R1 & R2 By Adv. T. Jayakrishnan,
Adv. Hormis Abraham, Adv. S. Lekha,
Adv. M.V. Baiju & Adv. Aravindakshan. M.R
R3 By Adv. K. Premkumar

IA.22/2025 in IA.4/2023 in OS.8/2023

(Filed on 10.07.2025)

Petitioner/ 24th Defendant: Sasidharan, aged 70 years, S/o. Appu Nair, Nedumgootor Nambalattu Veedu, Shornur, Ottappalam Taluk, Palakkad District, Proprietor, Nandini Restaurant, Nandini Tourist Home Pvt. Ltd., Kizhakke Nada, Guruvayoor

By Adv. P.S. Jyothish Kumar

Respondents:

1. Naveen Jayasankar, S/o. Jayasankar, 26/408 A, Sudarsanam, Vaikom, Puthiyakavu, Thripunithura, Ernakulam (1st Plaintiff)
2. Parvathi Ashok, W/o. Jayasankar, 26/408 A, Sudarsanam, Vaikom, Puthiyakavu, Thripunithura, Ernakulam (2nd Plaintiff)
3. Alpha Jayasankar, W/o. Jayasankar, Puliyoor Madom Jayakarathi, CMC – XI, Cherthala Taluk (1st Defendant)

R1 & R2 By Adv. T. Jayakrishnan,
Adv. Hormis Abraham, Adv. S. Lekha,
Adv. M.V. Baiju & Adv. Aravindakshan. M.R
R3 By Adv. K. Premkumar

These petitions coming on for final hearing on 07.04.2026 and the court on 08.04.2026 passed the following:

COMMON ORDER

I.A 21/25: This petition is filed by the petitioner/24th respondent under O.9, Rule 7 and S.114 and 151 CPC to set aside the ex parte Order dated 14.10.2024 against the 24th respondent in I.A 4/23.

I.A.22/25: This petition is filed by the 24th respondent in IA 4/23 u/O.XLVII Rule 1 and Sec.114 and 151 CPC to review the Order dt.04.12.2024 against him.

2. The contentions of the petitioner in **IA.21/25** as follows:

The petitioner is the proprietor of Nandini Restaurant, which is owned by Nandini Tourist Home Private Limited. IA 4/23 was filed for the purpose of securing the rent paid by Nandini Restaurant to Nandini Tourist Home and the rent of other counter-petitioners before this Court. This Court has allowed the petition. But Nandini Tourist Home Private Limited is not an institution that has paid monthly rent to the petitioner. It is a private limited company. However, the petitioner is the proprietor of Nandini Restaurant, which is owned by Nandini Tourist Home Private Limited, and the petitioner have entered into a lease agreement with Nandini Tourist Home Private Limited. Although the petitioner received the notice of the above petition, he was not able to appear before the court as he misunderstood that the representative of Nandini Tourist Home has to appear before the court and on 14.10.2024 this court made him ex-parte in this petition. Due to such misunderstanding and his illness, he was unable to meet the lawyer in person or to provide the necessary information for the case on time. The petitioner has a serious dispute in the above petition. In the circumstances, it is necessary to set aside the ex-parte order on 14.10.2024 in the above petition.

3. The contentions of the petitioner in **IA.22/25** as follows:

The petitioner is the proprietor of Nandini Restaurant, which is owned by Nandini Tourist Home Private Limited. IA 4/23 was filed for securing the rent paid by Nandini Restaurant to Nandini Tourist Home and the rent of other counter-petitioners before this Court. This Court has allowed the petition. But Nandini Tourist Home Private Limited is not an institution and it is a private limited company. The petitioner has entered into a lease agreement with Nandini Tourist Home Private Limited. Therefore, the daily rent of Rs.1,000/- of the establishment is paid to Nandini Tourist Home Company. This Court has no jurisdiction to take action against the company. The 22nd respondent is exempted from depositing the rent due to being a company. Hence, the petition.

4. No objection was filed to both these petitions. Heard the learned counsel for both sides.

5. IA 4/23 was filed by the plaintiffs to direct the respondents therein to deposit the rent regarding the rooms occupied by them before the Court and to direct the respondents No.22 and 23 to deposit the income from Nandini Tourist Home, Guruvayoor in the account in which the 22nd respondent is the authorized signatory. The petitioner herein who was the Additional 24th respondent did not appear and hence the petition was proceeded ex parte against him. This Court allowed IA 4/23 and directed the respondents to deposit the rent before the court.

6. The petitioner herein is a Proprietorship under Nandini Tourist Home which is a private limited company and the remuneration pursuant to lease

agreement is being paid to the Company. The Company was already exempted from depositing sums to this Court and so, it is not possible for the petitioner to deposit amounts before this Court. Hence the petitioner has to be excluded from complying with the direction of this Court in IA 4/23.

In the result, IA 21/25 and IA 22/25 are allowed, without costs and exparte order against R24 in IA 4/23 is set aside and R24 is exempted from depositing remuneration before this Court as directed in IA 4/23.

Dictated to the Confidential Assistant, typed by her directly to the Computer, corrected and pronounced by me in open court on this the 8th day of April, 2026.

Sd/-
LAKSHMY.S,
SUB JUDGE

Appendix :Nil

Id/-
SUB JUDGE