

IN THE COURT OF THE PRINCIPAL MUNSIFF, CHERTHALA

Present: Sri. Rovin Rodrigues, Principal Munsiff

Monday, the 7th day of April 2025/ 17th Chaithram, 1947.

IA 13/2025 in O. S. No. 143/2020

(Filed on 26.03.2025)

Petitioner/Defendant:-

Chandrika, W/o. Krishnappan, @ Krishnan,
Thoppil Kovilakath, Thirunelloor Muri,
Chenam Pallipuram Village.

By Adv.C.N.Ponnappan.

Cr.Petitioner/Plaintiff:-

Omana, W/o. Remanan, Nakkalapatil,
Chembu Kara, Chembu Village,
Vaikom Taluk, from Thoppil Kovilakath,
Thirunelloor Muri, Chenam Pallipuram Village.

By Adv. D.Subhash Chandran.

This petition having been finally heard on 07.04.2025 and the Court on the same day passed the following:-

ORDER

This is an application filed by defendant to raise additional issues in the suit. It is alleged that issue No.2 is not happily worded and additional issues 5 to 11 have to be raised for a proper adjudication of the suit.

2. Respondent/Plaintiff filed objection and contended that each and every paragraph in the written statement are sought to be raised as issues. It is also contended that issues 1 and 2 have covered all the relevant aspect in the suit. Further the issues regarding Court Fees was not raised in the written statement and it was not decided as a preliminary issue before conclusion of trial.

3. Heard both sides. Perused the records.

4. The suit is for partition of the plaint schedule property and the only question to be decided is regarding the partibility of properties. The trial has already been concluded and the suit is posted for final hearing. IA 12/2024 seeking amendment of written statement after the trial was dismissed by this Court. Now, Defendant has filed this petition to raise additional issues only to protract the trial. This Court has raised issues on non-joinder of necessary parties, ouster of plaintiff and also partiality and share of plaintiff.

No other issue arise for consideration in this suit. Issue regarding Court fees ought to have raised in the written statement and it has to be decided before evidence is recorded as provided in Rule 12 (2) of the Kerala Court Fees and Suit Valuation Act. Defendant can raise the issue of Court fees again only before the appellate Court since trial has been concluded in this suit. Hence, I find that the application is without any merit. IA is therefore dismissed with costs to respondent/plaintiff.

(Pronounced by me in the open Court on the day of 7th April, 2025.)

Sd/-
Rovin Rodrigues
Principal Munsiff

Appendix:- Nil

Sd/-
Principal Munsiff

/True Copy/

Principal Munsiff

*Typed by :jc
Comp by :ra*

*Fair Copy of Order in
IA No.13/24 in O.S.143/2020
Dated: 07.04.2025*