

IN THE COURT OF THE ADDL. DISTRICT JUDGE -I, MAVELIKARA

Present:- Smt.V.G. Sreedevi, Addl. District Judge-I

Tuesday, the 24th day of June, 2025/3rd Ashadha, 1947

I.A. No. 05/2025 in AS.No.13/2024

(Filed on :04.06.2025)

(EA 40/2020 in EP 45/2011 in O.S 26/1985 on the file of the Munsiff's Court, Mavelikara)

Petitioner

V.Santhaja kurup, S/o Vasupillai,
Sruthi Nivas, Naduvile Muri, Padanilam,
Nooranadu.

(By Adv. M.M.Warrier)

Respondents

- :**
1. Prabha Devi, Ravivilasathu veedu, Mavelikara.
 2. Padmakshi Amma, Edasseril, Kottarkavu, Mavelikara.
 3. Narayanan Nair, Edasseril, Kottarkavu, Mavelikara.
 4. Umadevi, Edasseril, Kottarkavu, Mavelikara.
 5. Aravindakshan, Edasseril, Kottarkavu, Mavelikara.
 6. Ambika, Edasseril, Kottarkavu, Mavelikara.
 7. Ajith, Edasseril, Kottarkavu, Mavelikara.
 8. Akhil, Edasseril, Kottarkavu, Mavelikara.

(R1 By Adv. R.Bhaskaran Nair)

This petition having been finally heard on 20.06.2025 and the court on 24.06.2025 passed the following:-

ORDER

This petition is preferred seeking substitution of the petitioner as the first appellant.

2. In the affidavit in support of the petition, the petitioner alleged as follows:- The petitioner is the President and Acting Secretary of BMS Mavelikara Mekhala Committee. The Secretary of the appellant organization ie., Bharatheeya Mazdoor Sangh was one Sasikumar and he preferred the appeal for the said organization. Now, he is not in power. Now, present petitioner is the area committee President as well as the Acting Secretary. So, he is authorized to represent the appellant. Hence, it is prayed for adding his name as the first appellant, thereby, substituting the name of the earlier Secretary Sri. Sasikumar.

3. The application was objected by the first respondent and it is contended that the petition is not maintainable. The present petitioner has no *locus standi* to file the petition. He is not a party in the suit. He is not the President cum Secretary. The intention behind the filing of the petition is to prolong the matter.

4. Heard both sides.

5. The only point that arises for consideration is:

Is the petition for substitution liable to be allowed?

6. **The point:-** The appeal is preferred by the then Secretary of the Organization and now he is not in power and he was substituted by the present petitioner who is the Acting Secretary as well as the President. The petition itself is preferred by him showing the reason that the earlier Secretary is not in power. The fact that the petitioner is the Acting Secretary even though denied by the first respondent, could not be substantiated by any kind of documents.

7. As the present petition is the result of the change of person as the Secretary of the Organization, it is only just and proper to allow the petition so as to permit the petitioner who is the Acting Secretary to proceed with the appeal. Therefore, I do not find any merit in the objection. Hence, the point is found in favour of the petitioner.

8. **In the result,**

The petition is allowed.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in open court on this, the 24th day of June, 2025).

Sd/-
V.G. Sreedevi
Additional District Judge-I

Appendix : Nil

Id/-
Additional District Judge-I