

IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha K Bhadran, Munsiff
Friday , 14th November, 2025/23rd Karthika,1947

IA. No.04/2025 in OS. No.12/2016

Filed on 19.05.2025

Petitioner/ Defendant

Karthikeyan, S/o Gopalan, aged 54 years,
Karthikeyathil, Thulamparamb Naduvathum
Muriyil, Haripad Village, Karthikappally Taluk.

(By Adv.G. Anilkumar)

Respondent/Plaintiff

1. Ashokan, S/o Anirudhan, aged 64 years,
Kochu Chaprayil, Karuvatta Vadakkum
Muriyil, Karuvatta Village,
Karthikappally Taluk.(Plaintiff)
2. Padmakaran, S/o Padmanabhan,
Karuvatta Vadakkum
Muriyil,Karuvatta Village,
Karthikappally Taluk (1st Defendant died)
3. Rema, aged 65 years,
W/o Padmakaran,
Karuvatta Vadakkum
Muriyil,Karuvatta Village,
Karthikappally Taluk.
(Addl.3rd Defendant)
4. Karthik, S/o Padmakaran,
aged 35 years, Karuvatta Vadakkum
Muriyil,Karuvatta Village,
Karthikappally Taluk.

By Adv. M. Ibrahimkutty (R1)

By Adv.K. Santhosh Kumaran Thampi (R3,R4)

This petition having been finally heard on 14.11.2025 and the court on same day passed the following:-

ORDER

Petition filed by second defendant to stay trial of the above suit invoking Section 10 of C.P.C till disposal of AS 54/2020 pending before Additional District Court, Mavelikkara.

2. First respondent/plaintiff filed objection stiffly opposed the above petition.

3. **Point for determination:-**

Whether the trial of OS.12/2016 is liable to be stayed till the disposal of AS.54/2020 before the Hon'ble Additional District Court, Mavelikkara?

4. Heard both sides. Perused the records.

5. **The point:-** The contention of petitioner/second defendant is that the trial of the above suit is to be stayed under section 10 of CPC. It is further contended that the subject matter in the above suit is same as that in OS 51/2016 which was dismissed on 05.10.2020 and against which AS. 54/2020 is filed. First Respondent on the other hand vehemently argued that OS.12/2026 is the previously instituted suit and OS.51/2016 is the subsequently instituted suit and the above petition is liable to be dismissed.

6. OS 12/2016 is to cancel and set aside sale deed No.1684/2012 of Haripad SRO and for injunction both mandatory and prohibitory. Copy of the appeal memorandum in AS 54/20 would

show that OS 51/2016 is filed for vacant possession of plaint schedule building and permanent prohibitory injunction. A thorough reading of S.10 CPC would show that the subsequently instituted suit between the same parties involving the same subject matter and questions alone is to be stayed. I find merit in the argument of learned counsel for first respondent that the above petition is not liable to be allowed as OS. 12/2016 is not the subsequently instituted suit. Accordingly, I find no merit in the above petition.

In the result, the above petition is dismissed. Considering the facts and circumstances of the case, parties are directed to bear their respective costs.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the 14th day of November, 2025.

**Sd/-
Maneesha. K .Bhadran
Munsiff**

Appendix :- Nil

**Id/-
Munsiff**