

IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha K Bhadran, Munsiff
Monday, 30th March, 2026/9th Chaithram, 1947.
IA (Restoration Petition) 01/2024 in OS. No. 378/2013
 (Filed on 04.09.2024)

Petitioner:-

Sasidhara Panicker, aged 74 years,
 S/o.Narayana Panicker, Parvathy Veettil,
 Muthukulam North Muri, Muthukulam Village.
 From Chandravilasam, Karuvatta South Muri,
 Kumarapuram Village.

(By Adv. R. Aravindakshan)

Respondents:-

1. Sasanka Panicker, aged 63 years,
 S/o.Narayana Panicker
 Chandravilasam, Karuvatta Thekk Muri,
 Kumarapuram Village.
2. Suba Sasankan, aged 55 years,
 W/o. Sasanka Panicker, Chandravilasam,
 Karuvatta South Muri, Kumarapuram Village.

(By Adv. M. A. Jayakrishnan)

This petition having been finally heard on 13.03.2026 and the court on 30.03.2026 delivered the following:

ORDER

Petition to restore suit dismissed for default.

2. **Petition averments in brief are as follows:-** Suit was listed for evidence on 01.08.2024. Suit was dismissed for default due to failure of plaintiff to appear and adduce evidence. Plaintiff did not appear before the court as he was suffering from ailments in connection with heart surgery. Hence the petition.

3. Respondents filed objection stiffly opposing the above petition. It is contended that the above petition is without any bonafides and is liable to be dismissed.

4. Heard both sides. Perused records.

5. The following point arises for consideration:-

Whether the above petition is liable to be allowed?

6. **The point:-** Suit was dismissed for default on 01.08.2024 for failure of plaintiff to adduce evidence when listed for trial. On perusing records this court is satisfied that the failure of plaintiff to appear and adduce evidence on 01.08.2024 is due to the reasons stated in the accompanying affidavit and not due to the willful failure of plaintiff. On perusing records, this court is satisfied that there is sufficient ground for allowing the above petition in the interest of justice and an opportunity has to be given to the plaintiff to contest the suit on merits. However to meet the ends of justice costs has to be ordered.

7. In light of the above discussion, I am satisfied that the above petition is liable to be allowed.

In the result,

- 1) The above petition is allowed. Order dated 01.08.2024 dismissing the above suit for default is set aside and suit restored to file.
- 2) Plaintiff shall pay cost of Rs.1,500/- to defendants within 15 days and file memo.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on this the 30th day of March, 2026.

Sd/-

Maneesha K Bhadran
Munsiff

APPENDIX: Nil

Id/-

Munsiff

Judgment in OS. 213/2022
Dtd. 7.03.2025