

**IN THE COURT OF THE SUB JUDGE, CHENGANNUR**

**Present :- Smt.Veena.V.S, Sub Judge**

**Friday, the 27<sup>th</sup> February 2026/08<sup>th</sup> Phalgunam 1947**

**IA No. 02/2026 in OS 24/2024**

(Filed on 24.02.2026)

**Petitioner/Plaintiff** :- Santhosh Oommen @ Santhosh.P.Oommen  
Painummoottil Veedu,  
Thittamel, Chengannur.

***(By Adv. Koshy Thomas)***

**Respondents** :- 1. Salomi Thomas,  
Anjilimoottil Veedu,  
Cherukole Muri.

2. Thomas Joboy Philip  
Anjilimoottil,  
Cherukole Muri, Chennithala Village,  
Mavelikara Taluk.

3. Lillykutty.E.M,  
Painummoottil Veedu,  
Thittamel Muri, Chengannur Village,  
Now residing at U.S.A

***(R1 & R2 By Adv.Jaison John***

***R3 – By Adv. Noel Dani Charles)***

This petition having been finally heard on 27.02.2026 and this court on the same day passed the following.

**ORDER**

The petition is filed under Sec.151 CPC.

Petition averments in brief are as follows:-

2. The petitioner is the counsel for the plaintiff in OS 24/2024. In the said case the court partly allowed the witness schedule of the plaintiff against which OP Civil 555/2026 was filed by the plaintiff. Even though a memo was filed to that effect on 23-02-2026, the court closed the plaintiff's evidence without giving any breathing time. So the plaintiff and his counsel lost trust and confidence upon this court. The petitioner faced bad experience from this court and Munsiff Court Thiruvalla. So the petitioner prays time to produce the transfer order by filing transfer petition. It is also prayed that the further proceedings of the case may be stayed till obtaining order in the transfer petition which is intended to be filed.

3. The respondent filed objection by contending that the petition is not maintainable either in law or on facts. The counsel for the petitioner has no right to file such a petition. The plaintiff in the above case has not yet raised any allegation that he lost trust and confidence upon this court. During trial the plaintiff was examined and he has no case that he was under the apprehension that

justice would be denied to him. The plaintiff and one witness from the side of the plaintiff were examined on 03-02-2026 and the case was adjourned for the further evidence of the plaintiff on 10-02-2026, 16-02-2026, 23-02-2026. But only one witness was examined from the side of the plaintiff on 16-02-2026 among the aforementioned adjournments for further evidence. Despite of several adjournments granted by the court as per the request from the side of the plaintiff, the petitioner tried to drag the trial purposefully without producing any witness before the court. There is no explanation in the petition what bad experience was caused to the petitioner/the counsel for the plaintiff. The vague allegation in the petition itself is sufficient to reveal that the said allegation is false and frivolous. Further it shows that the plaintiff has no allegation against the court and he has no intention to transfer the case. So the personal matters of the counsel of the plaintiff cannot be considered for the transfer of the above numbered case from this court. Hence the petition may be dismissed.

4. From the petition averments and contentions in the objection the following points were raised for consideration.

*1. Whether the prayer in the petition is allowable?*

*2. Reliefs and costs?*

5. There is no evidence adduced from either side.

6. Heard both sides. Perused the records.

**Point Nos. 1 and 2 :-**

7. The petitioner is the counsel for the plaintiff. He prayed to stay the further trial of the case until he obtains an order upon a transfer petition. But at the time of hearing the petitioner admitted that he did not file any transfer petition so far. He did not give any explanation why he did not file a transfer petition even if OS 24/2024 is included in the special list of this month and the trial is going on. So it is obvious that the petition is only with the malafide intention to drag the trial of the listed case.

8. The petitioner/the counsel for the plaintiff alleged in the petition that the court shut down the evidence of the plaintiff without giving any breathing time even though he filed a memo that OP Civil 555/2026 is pending before the Hon'ble High Court of Kerala. The said OP is against the order of the trial court upon the witness schedule filed by the plaintiff as it was partly allowed on 03-02-2026. The respondent vehemently objected the allegations and brought the attention of the court into the fact that the petition is filed not for and on behalf of the plaintiff who does not have any allegation against the court when he was examined as witness during trial and then the court gave several adjournments to the plaintiff for further evidence at the convenience of the plaintiff's counsel.

9. Even at the time of hearing, the plaintiff's counsel/ the petitioner does not have a case that the petition was filed with the knowledge or consent of the

plaintiff. The perusal of the averments in the affidavit filed along with the petition, made it clear that the petition is filed not for or on behalf of the plaintiff. It was filed in his personal capacity. As rightly pointed out by the learned counsel for the respondent, such a petition of the counsel of the plaintiff, without the knowledge, consent or permission of the plaintiff is not at all maintainable.

10. Perusing the court proceedings of the case it made clear that OS 24/2024 is included in the special list of March for trial and it was listed to 03-02-2026. On that day plaintiff and one witness were examined as PW1 and PW2 and the documentary evidence adduced from the side of the plaintiff were marked as Exbt. A1 to A6. The plaintiff filed a witness schedule with a petition to accept the same as IA 1/2026. The court partly allowed the petition on the very same date and posted to 10-02-2026 for further evidence of the plaintiff. Since there was no witness on that date the case was again posted to 16-02-2026. On that day one witness was present and examined as PW3. Then as per the request of the learned counsel for the plaintiff, this court granted one week time to produce the stay order if any from the Hon'ble High Court of Kerala when he informed the court that they preferred revision against the order of this court upon the witness schedule. Then the case was posted to 23-02-2026 for further evidence of the plaintiff. But no witness was present from the side of the plaintiff. The plaintiff filed a memo with a prayer to adjourn the case again without producing any order

from the Hon'ble High Court of Kerala. The court directed to file a proper petition for adjournment in lieu of filing a memo with a prayer for adjournment. But no adjournment petition was filed. Since both parties admitted that the matter was not stayed by Hon'ble High Court of Kerala, it was decided to proceed with the case.

11. On examining the court proceedings, it is obvious that sufficient opportunity was granted to the plaintiff for adducing evidence as per the convenience and the request of the plaintiff and his counsel from 03-02-2026 till 23-02-2026. By suppressing the said facts, the plaintiff's counsel raised false allegation that breathing time was not granted by the trial court and thereby the trust upon the court was lost. Such a petition containing false and frivolous allegation raised against a court filed by the plaintiff's counsel in his personal capacity is not all entertainable. Or else it will adversely affect the justice delivery system as well as the smooth functioning of the court especially in conducting the trial of the listed cases.

12. From the above discussion I hold that the petition is devoid of any merits. Since there was no stay order passed by Hon'ble High Court of Kerala, the counsel for the plaintiff tried to obtain stay of the trial of the case by filing a petition before the trial court raising groundless allegations. The reasons stated in the petition are not sufficient to stay the further trial proceedings of the case.

Moreover the petition filed before the trial court U/S.151 of CPC for staying its own court procedure is not maintainable. So I am not inclined to allow the prayer in the petition.

In the result, the petition is dismissed. No order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this day, 27<sup>th</sup> February 2026)

Sd/-  
**Veena. V.S**  
**Sub Judge**

**Appendix: NIL**

Id/-  
**Sub Judge**

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**Sub Judge**