

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Smt. Alshari A., Munsiff.

Tuesday, the 21st day of November, 2023 / 30th Karthika, 1945.

I.A.Nos. 9/2023 & 10/2023

in

O.S.No. 74/2017

Petitioner/Plaintiff:-

Joshy Varghese, aged 62 years, S/o. Varghese,
Thelakkadan House, Malamury Kara,
Rayamangalam Village, Kunnathunadu Taluk.

By Adv. Gimmy P. Antony.

Respondents/Defendants/Plaintiffs:-

1. St. Mary's Catholic Church, Perumbavoor,
represented by Vicar.
2. St. Mary's Catholic Church, Perumbavoor, represented
by Kaikkaram Devassy, aged 70 years, S/o. Paulose,
Puthussery House, Pooppani Road, Perumbavoor Kara.
3. St. Mary's Catholic Church, Perumbavoor, represented
by Kaikkaran Varghese, aged 60 years, S/o. Porinchu,
Mekkattumolam House, Rayonpuram P.O.,
Perumbavoor Kara.
4. St. Mary's Catholic Church, Perumbavoor, represented
by Kaikkara P.D. Peter, aged 60 years, S/o. Devassy,
Palluppetta House, Rayonpuram P.O., Kanjirakkad Kara,
Perumbavoor Village.
5. Sebastian K.K., S/o. Kurian, Koikkara House,
Perumbavoor Kara, Perumbavoor Village.
6. P.V. Thomas, S/o. Varkey, Panakkal House,
Perumbavoor Kara, Perumbavoor Village.

R1 to R4 - By Adv. P.T. Geevarghese.

R5 & R6 - By Adv. M.K. Jayapalan.

These petitions having been finally heard before me on 21.11.2023 and the court on the same day passed the following:-

COMMON ORDER

1. Petition averments in brief:- Petitioner is the 3rd plaintiff in the suit. The defendant had filed second written statement on 29.08.18. As per the order in I.A 1129/18, the reasons stated for delay in filing the written statement was false. But, the defendant had already filed written statement in the month of March 2017. So, the averments in the petition is stated in I.A 1129/18 is false. The petition was allowed as there was no objection to the same. Petitioner was not aware of the petition and second written statement is not acceptable. Hence, the order in I.A 1129/18 is to be reviewed. The order in the I.A did not come to the notice of this petitioner, and thereby, omitted to file objection to the same. The delay in filing the petition, is not willfull. Hence, the petition is to be allowed by condoning the delay of 1841 days.
2. On going through the records, it is seen that, the defendant had filed written statement on 03.04.17. Thereafter, again a petition was filed to receive the written statement which was allowed and the written statement was accepted. As the defendants had filed the written statement wasback in the year of 2017, the 2nd petition filed to receive the written statement, cannot be allowed, which is an error apparent on the face of the records. The delay in filing the petition is sufficiently explained. The first written statement filed by the defendant can only be looked into, and the 2nd one cannot be looked into. Therefore, the petition filed to review the order in

accepting the 2nd written statement is to be allowed as the order in receiving the second written statement is an error apparent on the face of the records. Hence, these petitions stands allowed and the order in I.A 1129/18 is hereby reviewed.

3. In the result, both the petitions stands allowed.

Dictated to the confdl. asstt., transcribed and typed by her, corrected and pronounced by me in open court on this the 21st day of November, 2023.

Sd/-
ALSHARI A.,
MUNSIFF.

APPENDIX
NIL

Id/-
Munsiff
(By Order)

// True Copy //

Sd/-
Junior Superintendent.

jpp/-
Compd.by : smn&N.

Copy of Common Order in
I.A. Nos.9/2023 &
10/2023
in O.S.No. 74/2017
Dated : 21.11.2023