

IN THE COURT OF THE III ADDL. DISTRICT JUDGE,
THODUPUHA,

Present: S.S. Seena , III Addl.District Judge,

Thursday, the 21st day of August , 2025 /30th day of Sravanam 1947

IA 5/2024 IN IA 2/2022 IN A.S. 18/2022

Petitioner/Appellant :-

Asokan, S/o. Ramakrishnan, aged 50,
Agriculturist, Chakkumkuzhiyil Baisonvalley Kara,
Bisonvalley Village, Udumbanchola Taluk,
Idukki District, Pin- 685565.

By Adv. C.K. Vidyasagar & Sreelakshmi Saji

Respondents :

1. Ramesh Menon, S/o. Unnikrishna Menon, aged 53,
Business, Kurumath House, Thushara, Edathil Lane,
Chiyaram P.O., Chiyaram Village, Thrissur Taluk,
Thrissur District, Pin- 680026.

By Advs. Sri. Peter. V. Joseph, Sebin James and Noble Chacko

2. The Federal Bank Ltd., Kunchithanni Branch,
Kunchithanni, Udumbanchola Taluk,
Idukki District, Pin 685565, represented by
its principal Officer/ Branch Manager

No Vakalat

This I.A coming on for hearing before me on 21.08.2025 and having stood over for consideration on same day the Court delivered the following.

IA No. 5/2024 in IA 2/2022 in AS 18/2022**ORDER**

The above application is filed by the appellant praying for amendment of IA 2/2022. By way of proposed amendment, the petitioner/appellant seeks to include one more schedule as C' schedule. IA 2/2022 is an application seeking exemption to pay the balance court fee payable and to permit the petitioner to proceed with the above appeal as an indigent appeal. The above IA is seriously opposed by the 1st respondent/plaintiff by filing a counter.

2. Points for consideration :

Whether the prayer in the above application is allowable?

3. **Point:** As per the above petition the petitioner/appellant seeks to include a further schedule in IA 2/2022. The records show that the above application is filed in furtherance of the report of the District Collector called for, in IA 2/2022. As per the report of the District Collector, the petitioner/appellant has two vehicles in his ownership and he has income from grocery shop and that the wife of the petitioner is a coolie worker . According to the petitioner, the vehicles alleged are aged 20 years and they are lying idle. It is further contended that the contention in the report that, petitioner has an annual income of ₹76,000/- is also not correct. Further, it is contended that the wife of the petitioner is under treatment for her illnesses and she is incapable to do any work. The counsel for respondent contended that the application is only to be disallowed as there is absolutely no explanation for not mentioning about the asseets mentioned in the report of the District Collector in IA 2/2022. The ownership of vehicles and grocery business

is also, not disputed. According to the petitioner, he is only earning a meager income from his grocery business and I have already discussed above that, the specific contention of the petitioner is that the vehicles alleged are lying idle. On a perusal of the above petition averments and at the time of arguments also, absolutely, no explanation is put forward by the counsel for the petitioner for not including the above aspects in IA 2/2022. So, I consider that the contention of respondent that, the petitioner has wilfully suppressed about his source and assets, to defraud the process of law is only to be upheld. In the light of above aspects, I consider that the above application is only to be dismissed and I do so.

In the result, the above application is dismissed but however, I make no order as to costs.

Dictated to the Confidential. Asst. transcribed and typed by her, corrected and pronounced by me in open court on this 21st day of August, 2025.

Sd/-
S. S Seena
III Additional District Judge

Copied by: Maya.A.D.

Compd.by; Pratheesh