

IN THE COURT OF THE SUB JUDGE, KATTAPPANA

Present:- Shri. D. Sudheer, LL.B., Sub Judge

Friday, the 9<sup>th</sup> day of June, 2017/19<sup>th</sup> day of Jyaishta, 1939.

**O.S. 119/2003**

**Plaintiffs:-**

1. Kerala State Electricity Board, Vydyuthi Bhavanam, Pattom P.O., Thiruvananthapuram, represented by its Secretary.
2. The Deputy Director, Research Division No. II, Vazhathope.

***(By Advs. P.R. Muraleedharan & Stantly Augusthy for 1<sup>st</sup> Plaintiff & Stantly Augusthy for 2<sup>nd</sup> Plaintiff)***

**Defendants:-**

1. Viswa Hindu Parishad, Ayyappan Coil Village, Udumbanchola Taluk, Rep. by its Secretary, Idukki District Committee.
2. M.N. Mohanan, Mankootathil, President, Temple Committee, Ayyappan Coil Village.
3. Rajesh Sukumaran. Challakal, Secretary, Temple Committee Ayyappan Coil Village.
4. Manoj Viswambaran, Mukulel, Convenor, Temple Committee, Ayyappan Coil Village.
5. K.N. Rajendran, District President VHP, Idukki District Committee, Ayyappan Coil, Kattappana.
6. T.K. Raju, District Organising Secretary, VHP, Idukki District Committee, Ayyappan Coil, Kattappana.
7. B. Sukumaran, Secretary, VHP, Idukki District, Ayyappan Coil, Kattappana.
8. P.N. Vinod, Kattappana Mekhala Secretary, VHP, Ayyappan Coil, Kattappana.
9. Thevan Mannan, Kozhimala, Ayyappan Coil, Kattappana.
10. Govinda Sastri, Panamattom, Ponkunnam, Kottayam.

***(Additional Defendants 11 and 12 impleaded as per Order in I.A. 1035/04 dated 11/08/05)***

- Additional Defendants:-**
11. Satheeshkumar, S/o Ramachandran, Kulangarackal House, Upputhara Kara, Ayyappan Coil Village, Peermedu Taluk Idukki District.
  12. T.K. Raju, S/o T.S. Krishnan, Thottuvayalil House, Upputhara Kara, Ayyappan Coil Village, Peermedu Taluk, Idukki District.

***(Additional Defendant No. 13 impleaded as per Order in I.A. 1763/05 dated 06/02/06)***

- Additional Defendant:-**
13. The Deity Sridharma Sastha Temple, Thoppipala represented by Chairman Sridharma Sastha Trust, Thoppippala, Ayyappancoil Village.

***(By Advs. Benny Joseph & C.J. Jeneesh for D1, 2, 5, 6 and 8, Adv. K.S. Mathew for D1 and 6, No vakkalath for others )***

This suit filed Under Section 26 Order VII, Rule 1 and Order 1 Rule 8 of the Civil Procedure Code and coming before me for final hearing on 09/06/17 in the presence of the above counsel and the court on the same day delivered the following:-

### **JUDGMENT**

Plaintiff absent. No representation. No application. This is the 4<sup>th</sup> time case is posted for the evidence of the plaintiff. There is a time limit order of the Hon'ble High Court to dispose of the case on or before 30/06/17. This court for the compliance of it has posted the case for trial in the list from 27/03/17 after the Hon'ble High Court ordered the parties to appear on 20/03/17. On 27/03/17 2<sup>nd</sup> plaintiff sought time for adjournment on the ground of change in counsel. So case posted to 01/04/17 for evidence. On 01/04/17 2<sup>nd</sup> plaintiff appeared and filed I.A. 385/17 seeking adjournment on the ground that they wanted time to produce some documents. It was also allowed and published the case on list to 23/05/17. On 23/05/17 also

2<sup>nd</sup> plaintiff appeared and filed I.A. 444/17 seeking time for adjournment on the ground that he wanted some more time to produce documents as it were pending before the Hon'ble High Court. So the case was adjourned and posted to 24/05/17. on 24/05/17 case adjourned for evidence to 01/06/17. On 01/06/17 plaintiff remained absent but filed I.A. 508/17 seeking time for evidence for seeking document from Hon'ble High Court . It was also allowed and posted to today ie, 09/06/17 for evidence. But today plaintiff remained absent and no application filed.

The chronicle of these posting shows that plaintiffs are deliberately trying to avoid the trial at any cost for reasons best known to them. They did not show any respect to the time limit order of Hon'ble High Court given for the disposal of the suit ie, before 30/06/17.

It is nothing other than a deliberate and calculated act to delay and avoid the trial and thereby to flout the orders of the Hon'ble High Court. Such deliberate latches of the plaintiff cannot be excused. So the suit is dismissed for default.

*Pronounced in the open court on this the 9<sup>th</sup> day of June, 2017.*

Sd/-  
D. SUDHEER  
SUB JUDGE, KATTAPPANA

**APPENDIX : NIL.**

Sd/-  
SUB JUDGE, KATTAPPANA

*//True copy//*

SUB JUDGE, KATTAPPANA

Typed by : Sindu  
Compd. by:

***Judgment in O.S.119/2003***  
***Dated : 09/06/2017.***