

IN THE COURT OF THE SUB JUDGE, KATTAPPANA
PRESENT:- SHRI. ARAVIND B EDAYODI., SUB JUDGE
Monday, the 23rd day of June 2025/ 02nd day of Ashada 1947

I.A. 02/2025 IN O.S. 119/2003

Petitioners/
Plaintiffs

1. KSEB represented by it's Secretary, Vaiduthi Bhavanam, Pattom P.O., Thiruvananthapuram.
2. The Deputy Director Research Division No II, Vazhathoppu.

(By Advs. P. R. Muraleedharan and Stanly Augusthy)

Respondents/
Defendants

1. Viswa Hindu Parishid, Ayyappan Covil Village, represented by its Secretary.
2. M.N. Mohanan, Mankootathil house, Ayyappancovil.
3. Rajesh Sukumaran, Challackal, Secretary Temple Committee Ayyappancovil.
4. Manoj Viswambaran, Mukulel, Temple committee, Ayyappancovil
5. KN Rajendran District President, VHP, Idukki District Committee.
6. TK Raju, District Organising Secretary, VHP.
7. B Sukumaran, Secretary VHP, Idukki District Committee.
8. P N Vinod, Kattappana Mekhakla Secretary, VHP.

9. Thevan Mannan, Kozhimala, Ayyappancovil.
10. Govinda Sasthri, Panamattam, Ponkunnam,
Kottayam.
11. Satheeshkumar S/ o Raveendran, Kulangarackal
house, Upputhara, Upputhara Village,
12. T K Raju S/ o Krishanan, Thothuvayalil house
Upputhara,
13. The deity, Sree Dharmasastha Temple,
Thoppipala.

**(By Advs. Benny Joseph, C.J. Jeneesh
K. S. Mathew for R1, R6 and R12)
Advs. Benny Joseph and
C.J. Jeneesh for R2, R5 and R8)
No Vakalath for others)**

This petition filed Under Order VI Rule 17 of the Civil Procedure Code 1908 and coming before me for hearing on 23.06.2025 in the presence of the above counsel and the court on the same day passed the following:-

ORDER

This is an application filed under order VI Rule 17 of Civil Procedure Code to amend the plaint incorporating the new name of KSEB consequent to its incorporation, as a public company, owned by the Government of Kerala and for specifically describing the plaint schedule property description based on the commission report and plan.

2. The contesting respondents/defendants filed objection through 8th defendant stating that, this application is highly belated as the commission report and plan filed on 17.03.2025 and the learned commissioners was already examined and the KSEB became a limited company years back. If the application is allowed, it will cause delay and prejudice to the respondents.

3. Heard both sides.

4. The points arose for consideration are:-

1. Are the petitioners entitled to an order, permitting to amend the plaint, as that sought for?

2. What is the order as to costs?

5. **Point No1 and 2:** If the amendment application is allowed, it won't change nature or character of the suit, as both sides proceeded the suit with proper understanding about the identity of the disputed property. No prejudice will be caused if the amendment application is allowed with respect to the change of name of the plaintiff board also though it will cause delay. The defendants are also entitled to file additional written statement with respect to the amendment.

6. In the above circumstance, to decide the matter on merit the

amendment application can be allowed with costs considering the delay.

In the result, the Amendment Application is allowed on payment of Rs.3000/-(Rupees Three Thousand Only) to the contesting defendants. Carryout Amendment within 3 days.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 23rd day of June 2025.

ARAVIND B EDAYODI
SUB JUDGE, KATTAPPANA.

APPENDIX : NIL

SUB JUDGE, KATTAPPANA

Typed by : Sheena
Compd. by : Mahesh

Order in I.A 02/25 in O.S 119/2003
Dated.23.06.2025