

IN THE COURT OF THE SUBORDINATE JUDGE, IRINJALAKUDA

Present:- Lekshmi K Thampi, Additional Sub Judge

Monday, the 6th day of April, 2026/16th Chaithram, 1948 SE

Restor. Ptn 54/2025 in OS 194/2024

Petitioners:-

1. Anthonikutty, Aged 63, S/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk.
2. George, Aged 59, S/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk.
3. Paul, Aged 56, S/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk.
4. Naijo, Aged 51, S/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk.
5. Fr. Shaijo, Aged 49, S/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk, Rep by POA, Brother Anthonikutty.
6. Shaiji, Agd 54, D/o. Manajali Domini @ Dominic, Amballur village, Varakkara desom, Mukundapuram Taluk, W/o. Chirammal Karath Babu, Alappad village, Porathoor desom, Thrissur Taluk.

By. Adv. Davis Pottokkaran

Respondent:-

Domini @ Dominic, Aged 88, S/o. Manjali Anthony
Amballur village, Varakkara Desom, Mukundapuram Taluk.

This petition filed under Order 9 Rule 9, of CPC.

This petition having come up before me on this day for hearing and the court passed the following:-

ORDER

The restoration petition is filed by the petitioner to restore the suit to file which was dismissed for default of the petitioner to take steps.

2. The petitioner stated that there is no willful latches on the part of petitioner. The petitioner was suffering from dengue fever and hence he could not appear before the court to take steps.

3. The suit is for partition. The petitioner has stated that he was laid up due to dengue fever, hence he could not appear before court and take steps. The suit was dismissed for default on 13.08.2025. The Restoration petition is filed on 15.09.2025. Since 13.09.2025 and 14.09.2025 are holidays, restoration petition is filed within time and no delay. Since the suit is for partition and if restoration petition is not allowed, the petitioner will be without any remedy to get the property partitioned. Hence for the ends of justice for the proper disposal of the case , I am of

the view that the petition is to be allowed. Hence Restoration petition is allowed and suit is restored to file.

(Pronounced by me in open court on this the 6th April, 2026) Sd/-

Lekshmi K Thampi
Additional Sub Judge.

APPENDIX :- Nil

Copied By: vdm
compared by:

Id/-
Additional Sub Judge

// True Copy// B/o.

Sheristadar