

IN THE COURT OF THE SUB JUDGE, NEDUMANGAD**Present : Smt.Rajasree C.R, Civil Judge (Senior Division)****On Friday 19th September 2025/ 28th Bhadra 1947****I.A No.25/2025 in OS 13/2016****Petitioner/Plaintiff**

Siddiq, aged 56 years, S/o. Abdul Rahman,
Siddique Manzil, Uliyancode, Pangode Village,
Nedumangad Taluk.

(By Adv. Sri. V.A. Baburaj)**Counter Petitioner/
Defendant**

- 1 Azif. Z.A, aged 68 years, S/o. Abdul Rasdaq from
Zakeer manzil, Vanchuvam, Chullimanoor, Now
residing at House No.147, AKG Nagar, Peroorkada,
Thiruvananthapuram District.
2. K.A. Sekhar, aged 65 years, S/o. Arumugham, T.C
55/666 (6), Vinayaka Nagar, Neeramankara,
Nemom Village.

(By Adv. Sri.V.S. Pradeep and B.S. Deepthi Bhagavathi for R1)

This petition having been finally heard on 19/09/2025 and the court on
the same day passed the following:-

ORDER

This application is filed to amend IA.24/25 incorporating the schedules of immovable property and its estimated value.

2. Petition averments, in brief, are stated as follows:- Petitioner is the plaintiff in the suit. The suit is filed for recovery of money and for consequential reliefs. The petitioner is a businessman engaged in real estate business and a broker agent. After covid-19 pandemic, his real estate business was affected and transaction of money was blocked. After that, he had faced financial crisis. Friends and relatives including the defendants owed a lot of money to the petitioner. From 2017 onwards, the petitioner had to work hard to make ends meet. Even now, the petitioner had not recovered from the financial crisis. The petitioner is not able to remit court fee of Rs.8,81,496/-. There is no source of income for the petitioner to remit the court fee. The petitioner had preferred an application to exempt him from remitting balance court fee under Order XXXIII Rule 3 of the Code of Civil Procedure 1908. However, in that application the details of the movable and immovable properties and its estimated value are not shown. This application is filed to amend IA.24/25 incorporating the schedules.

3. Respondents have not filed any written objection to this application.

4. Heard both sides.

5. Points that arose for consideration are:

1. Is the proposed amendment necessary to determine the application filed under Order 33 Rule 3 of the Code of Civil Procedure, 1908?

2. What is the order as to costs?

6. Point no.1: This application is filed to amend IA.24/2025. IA.24/25 is filed by the petitioner to exempt him from remitting the balance court fee filed under Order XXXIII Rule 3 of the Code of Civil Procedure, 1908. The petitioner herein is the plaintiff in the suit. Due to his financial crisis, he is unable to remit the balance court fee. The balance court fee is of a sum of Rs.8,81,496/-. On verifying IA.24/25, it is noticed that the petitioner had omitted to annex schedules disclosing his immovable and the movable properties along with its estimated value. So, this application is filed to incorporate the schedule after amending IA.24/25.

7. I have gone through IA.24/25. In the affidavit filed in IA.24/2025, the petitioner had specifically stated the details of the immovable property possessed by him. However, there is no separate schedule appended in the application. The petitioner had also mentioned about the movable property possessed by him and his bank details. Even though the matters are stated in

the affidavit, it is not specifically shown in the schedule. Recently, the Hon'ble High Court of Kerala in the case of **Abdula Sathar v. P.V.Manojkumar** 2025 KHC OnLine 669 has held that '*annexing of a schedule can never be termed as mandatory when it is explicit that the party has set for all the details in the affidavit filed along with the petition seeking permission to initiate a proceeding as an indigent person, as also in a schedule attached to the IOP... The non incorporation of a schedule can never be stated to be lethal to warrant a dismissal of his petition*'. In the case at hand the affidavit filed along with IA 22/25 would clearly disclose that the petitioner had specifically mentioned about the immovable property possessed by him, regarding his movable property and also regarding the bank details. Due to omission, he has not annexed separate schedules with respect to the said properties. Considering the fact that the proposed amendment is very much necessary to consider IA.24/25 and for the effective adjudication of the same, I am of the view that the amendment sought for incorporating the movable as well as the immovable properties of the petitioner with estimated value can be allowed. Thus, this application is found in favour of the petitioner.

8. Point no.2: There is no order as to costs.

In the result, this application is allowed.

(a) Carryout amendment within 7 days. Respondents may file objection if any to the amended application.

(b) There is no order as to costs.

(Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this, the 19th day of September, 2025).

Sd/-

RAJASREE.C.R,
Civil Judge (Senior Division)

Appendix:- NIL

Id/-

Civil Judge, Senior Division

(True Copy)

Typed by :BR

Compd by :

Civil Judge, Senior Division

I.A.25/2025 IN OS.13/2016

Dated:19.09.2025