

IN THE COURT OF THE MUNSIFF, ATTINGAL
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF
THURSDAY 22nd MAY, 2025 / 1st JAISHTA, 1947

EA 128/2024 EP.10/2014 IN OS.No. 326/2009

Petitioners/Additional Counter Petitioners 10 to 13:-

1. Purushothaman.K, aged 73 years, S/o Chakki, Kattuvila Veedu, Koduthookkikunnu, Kavalayoor P O, Manampoor Village, Kavvalayur, Thiruvananthapuram Pin-695144.
2. Pankajakshi @ Panki, aged 65 years, D/o Chakki, Kattuvila Veedu, Koduthookkikunnu, Kavalayoor P O, Manampoor Village, Kavvalayur, Thiruvananthapuram Pin-695144.
3. Lakshmi.C, aged 64 years, D/o Chakki, Kattuvila Veedu, Koduthookkikunnu, Kavalayoor P O, Manampoor Village, Kavvalayur, Thiruvananthapuram Pin-695144.
4. Thankachi, aged 63 years, D/o Chakki, Kattuvila Veedu, Koduthookkikunnu, Kavalayoor P O, Manampoor Village, Kavvalayur, Thiruvananthapuram Pin-695144.

By Advocate: Sri.T.A.Rajeev

Counter Petitioners/ Decree Holders:-

1. Muhammed Ismail @ Sainulabdeen (died) S/o Asanaru Pillai Munjanadu Veetil, Kavalayoor, Manamboor Village.
2. Hakkim, S/o Adul Sathar, Chamavila Veedu, Moongodu, Manamboor Village, Thiruvananthapuram.
3. Nadira Beegum, D/o Abdul Sathar, Kunnumpurathu Veedu, Kaniyapuram P O Thiruvananthapuram.
4. Suhara, W/o Jaleel, Shaju Manzil, Attingal.
5. Najeema Beevi, D/o Abdul Sathar, Riaz Manzil, Attingal.
6. Rafeeka, D/o Abdul Sathar, Sara Cottage, Kavalayoor.
7. Nazar, S/o Abdul Sathar, Panakkonathuputhevedu, Kavalayoor P O.
8. Nazeer, S/o Abdul Sathar, Nadiya Manzil, Kottiyodu, Thampanoor Lane, Attingal.
9. Basheer, S/o Abdul Sathar, Ajmal Manzil, LMS Junction, Attingal.

Addl.10th

Muhammed Farook, aged 59 years, S/o Muhammed Ismail, Aamina Manzil, Kavalayoor P O, Manamboor Village.

Addl.11th

Jameela Beevi, aged 61 years, D/o Muhammed Ismail, Nedumkattil Veedu, Pullampara P O, Manikkal Muri, Manikkal Village, Nedumangadu

Addl.12th

Sofiya Beevi, aged 61 years, D/o Muhammed Ismail, Sulfath Bungalow,
Peringamala P.O, Peringamala Village , Nedumangadu

Addl.13th

Laila Beevi, aged 59 years, D/o Muhammed Ismail, Polimelkonathu Veedu,
Kaithodu P.O, Nilamel Village, Kottarakkara Taluk, Kollam District

Addl.14th

Naseera Beevi, aged 58 years, D/o Muhammed Ismail, Vadakkevila Veedu,
Njarayilkonam P.O, Madavoor Desom and village, Varakala Taluk

Addl.15th

Shaila Beevi, aged 50 years, S/o Muhammed Ismail, Mudakkal Desom and
Village, Chirayinkeezhu Taluk

Addl.16th

Junaitha Beevi, aged 49 years, D/o Muhammed Ismail, Aarifa Manzil,
Kavalayoor P.O, Manamboor Village

Addl.17th

Rajila Beevi, aged 43 years, D/o Muhammed Ismail, Kalluvettamkuzhi Veedu,
Mathira P.O, Mangodu Village, Kottarakkara

Addl.18th

Jaseela Beevi, aged 41 years, D/o Muhammed Ismail, Aarifa Manzil, Kavalayoor
P.O, Manamboor Village

By Advocate: Sri.G.Surendran

This petition having been heard on 26.03.2025 and the court on 22.05.2025 passed the following:

ORDER

This is a petition filed under Order I Rule 10 of CPC.

2. **The petition averments are as follows:** The petitioner is the 13th counter petitioner in the claim petition and is filing this petition on behalf of counter petitioners 10 and 12 also. The claim petitioner Appi Amma in E.A.160/2022 passed away on 28.08.2024 leaving behind Babu, the judgment debtor as her sole surviving legal heir. Babu already filed an impleading petition to implead him as additional 2nd claim petitioner. Hence this petition to transpose the petitioners as

additional claim petitioners 3 to 6.

3. **The decree holder filed an objection contending as follows:** The petition is not maintainable either under law or on facts. The petitioners are not the legal heirs of Appi Amma and they have no right over the decree schedule property and hence they have no right to be transposed as additional claim petitioners.

4. Following points are raised for consideration:

1. Can the petition be allowed ?

2. Reliefs and costs ?

5. Heard both sides.

6. **Point No.(1):** The petitioner filed this petition to transpose them as additional claim petitioners. The decree holder objected to said contention on the ground that the petitioners are not the legal heirs of deceased Appi Amma and they have no right over the plaint schedule property. The petitioners filed this petition contending that there is every likelihood that Babu will be impleaded as additional 2nd claim petitioner. Hence this petition is filed on a mere prospective event and the petitioners have no substantiate as to the reason why they have to be transposed. The mere possibility of an event that might or might not happen is not a sufficient ground to seek transposition. The party has to substantiate what manner of right he or she is claiming and how will it be identical to the relief sought for by the party who filed the petition to be transposed. In the instant case no such ground was stated. In the absence of any cogent reason this court is of the view that there

are no sufficient grounds to allow this petition.

7. **Point No.(2):** In view of the above discussion, the petition is dismissed with costs.

Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open Court on this the 22nd day of May 2025

Sd/-
SWATHI. R. KRISHNAN
MUNSIFF

Appendix: Nil

Id/-
MUNSIFF

//True Copy//

Typed by: Sheena K
Compared by: Shilpa.K S

MUNSIFF