

IN THE COURT OF II ADDITIONAL MUNSIFF, ERNAKULAM

Present :- Maneesha K Bhadran., II Additional Munsiff

Saturday, the 07th day of January, 2023/17th Pousham, 1944

O.S. No.1397/2016

Plaintiffs:-

1. Mr. Ciby Varghese, S/o Mathew Varghese, aged 42 years, Flat No. C083, Block C, Tower No.1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
2. Gina Varghese, W/o Ciby Varghese, aged 37 years, Flat No. C083, Block C, Tower No.1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
3. Alex Varghese, S/o N.C. Varghese, aged 51 years, Flat No. A104, Block A, Tower No.1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
4. Hazele Alex, W/o Alex Varghese, aged 42 years, Flat No. A104, Block A, Tower No.1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
5. Deepak Ambalakandi, S/o Sreedharan Nambissan, aged 33 years, Flat No. P193, Block P, Tower No. 5, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
6. Prameela.K., W/o Deepak Ambalakandi, aged 30 years, Flat No. P193, Block P, Tower No. 5, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
7. Balaji Krishna Swami, S/o P. Krishna Swami, aged 45 years, Flat No. M004, Block M, Tower No. 6, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.
8. Suresh Nair, S/o P.V.K. Nair, aged 64 years, Flat No. B092, Block B, Tower No. 1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.

9. Maya Nair, W/o Suresh Nair, aged 54 years, Flat No. B092, Block B, Tower No. 1, 'New Town Heights DLF', Kakkanad, Kochi, Pin- 682 030.

Additional P 10:- *New Town Heights Kakkanad Condominium Owners Welfare Society, DLF New Town Heights, Opposite Dooradarshan Kendra, Seaport Air port Road, Kakkanad post, Kochi – 682 037, represented by its Secretary*

(Additional P 10 impleaded as per Order in I.A. 5642/19 dated 20/01/2020)

By Advs. K.S. Sajeevkumar and Sam Zachariah

Defendants: -

1. M/s. Calista Real Estate Private Limited, IE, Jhandewalan Extension, Naaz Cinema Complex, New Delhi- 110 055 represented by its Managing Director.
2. M/s. Hestia Realtors Private Limited., IE, Jhandewalan Extension, Naaz Cinema Complex, New Delhi- 110 055 represented by its Managing Director.
3. M/s. Amon Estates Private Limited, IE, Jhandewalan Extension, Naaz Cinema Complex, New Delhi- 110 055 represented by its Managing Director.
4. M/s. DLF Southern Towns Private Limited, IE, Jhandewalan Extension, Naaz Cinema Complex, New Delhi- 110 055 represented by its Managing Director.
5. M/s. DLF Southern Towns Private Limited, Opposite Doordarshan Kendra, SeaPort-Air Port Road, Kakkanad, Kochi – 682 030, represented by its Authorised Officer

Addl. D6:-

M.C. George, S/o late Joseph Chacko, aged 65 years, residing at Mullan Kuzhiyil (House), Aymanam Post, Kottayam District – 686 015

Addl.D7:-

Jessy Varghese, W/o Baby Varghese, 56/673, Yacht Club Enclave, Konthuruthy, Ernakulam – 682 013.

Addl. D8:-

Sandeep George Cherian, S/o Cherian George, Parayirikunnathil, Mehikara, Kozhenchery-689 641.

Addl.D9:-

Shibu Joseph, 3A, West Rock Apartments, P.J. Antony Ground Road, Pachalam, Ernakulam – 682 012.

Addl. D10:-

Laik Pareekutty, W/o V.K. Pareekutty, Flat No. A1C3, Periyar Heritage, Companypady, Thaikattukara.P.O., Aluva – 683 106

Addl.D11:-

George Thomas, S/o Thomas, Kappil House, Kanjiramattom Road, Thodupuzha – 685 584.

Addl. D12:-

Baby George, aged 69 years, S/o George Joseph, residing at Apartment No. 6B 803, Godrej Woodsman Estate Hebbal, Bangalore – 560 024.

Addl.D13:-

Varghese Issac, S/o Issac, aged 55 years, Maracheril House, Pazhanganad, Kizhakambalam.P.O.,Ernakulam District, Pin – 683 562

Addl.D14:-

Naveen Thomas Chenginiyadan, aged 33 years, S/o Thomas Chenginiyadan Antony, Chenginiyadan House, Kuzhur.P.O., Thrissur, Pin – 680 734, now residing at U 3/6, Hentry St. Boble Park, VI C 3174, Australia, represented through his Power of Attorney, Thomas Chenginiyadan Antony, aged 63 years, S/o Antony Chenginiyadan House, Kuzhur.P.O., Thrissur, Pin – 680 734.

(Additional D7 to D11 impleaded as per Order in I.A.9516/16 dated 28.03.2017)

(Additional D12 to D14 impleaded as per Order in I.A.1/22 dated 27.05.2022)

D1 to D5 by Advs. M.Gopalakrishnan Nambiar, John Mathai.K, Joson Manavalan and Kuryan Thomas and Navod Prasannan, D6 by Adv. Ajit.G.Anjarlekar, D7 by Advs. Amrin Fatima, Sincy Jacob and Stefin Thomas, D8 to D11 by Advs. Philip.T. Varghese, Thomas.T. Varghese, Achu Shubha Abraham, G. Padmakumar and Denny Varghese, D12 to D14 by Advs. Amrin Fathima and Shaji Antony.K.

Suit filed under Section 26 Order 7 Rule 1 of Civil Procedure Code.

This suit have been come up for hearing before me on 07/01/2023 in the presence of the said counsel and this Court on the same day delivered the following :-

J U D G M E N T

Plaintiff absent. No representation. D1-5 represented. Additional D12-14 represented. Proof affidavit not filed. Satisfied plaintiff is not interested in adducing evidence. Suit dismissed for default.

Pronounced by me, in the open Court, on this the 7th day January, 2023.

Maneesha. K. Bhadran
IInd Additional Munsiff, Ernakulam

Appendix:-

Nil

IInd Additional Munsiff

kap/Comd by.

J U D G M E N T

O.S. No.1397/2016

Dated. 07/01/2023