

Kerala High Court

Achibi Alias Ayasabi vs The Special Tahsildar on 8 October, 2007

IN THE HIGH COURT OF KERALA AT ERNAKULAM

FAO No. 288 of 2007()

1. ACHIBI ALIAS AYASABI,
... Petitioner

Vs

1. THE SPECIAL TAHSILDAR,
... Respondent

2. DEPUTY CHIEF ENGINEER, (CONSTRUCTION),

For Petitioner :SRI.SUBHASH CYRIAC

For Respondent : No Appearance

The Hon'ble MR. Justice P.R.RAMAN
The Hon'ble MR. Justice V.K.MOHANAN

Dated :08/10/2007

O R D E R

P.R. RAMAN & V. K. MOHANAN, JJ.

= = = = =

F.A.O. NO. 288 OF 2007

= = = = =

DATED THIS, THE 8TH DAY OF OCTOBER, 2007.

J U D G M E N T

Raman, J.

This is an appeal against the order in I.A. 219/2007 in L.A.R. 70/2003 on the file of the Sub Court, Hosdurg.

2. Admittedly, the appellant is not even a party in L.A.R. 70/2003. Probably, the appellant wanted to file an application in some other cases which were dismissed for default in which he is a party. But when the present application came up for consideration, the court below noticed that L.A.R. 70/2003 was disposed of as early as on 1.3.2004 and the memo of claimant was also different when compared with the records in L.A.R. 70/2003. In such circumstances, the only course open to the court below was to dismiss the application. We do not find any factual or legal error in the order passed by the court below. Hence the appeal is dismissed.

However, we make it clear that the order passed by the court below and the present order passed by us in this appeal will not in any way affect the appellant in case he files any application in the case in which he is declared as ex parte.

P.R. RAMAN, (JUDGE) V. K. MOHANAN, (JUDGE) knc/-