2024:KER:77190

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 17TH DAY OF OCTOBER 2024 / 25TH ASWINA, 1946

MJC NO. 114 OF 2022

AGAINST THE JUDGMENT DATED 25.10.2022 IN OP(C) NO.3141 OF 2012 OF HIGH COURT OF KERALA

APPLICANTS/S:

THE ASSISTANT ENGINEER KERALA STATE ELECTRICITY BOARD LTD (KSEB)
THE ASSISTANT EXECUTIVE ENGINEER, ATTACHED TO THE OFFICE STANDING COUNSEL FOR KERALA STATE ELECTRICITY BOARD LTD POWER HOUSE ROAD ERNAKULAM, PIN - 682018

BY ADVS.
SRI.JOSWIN THAMBI KUNNATH
SRI.NIRMAL S

RESPONDENT/S:

POKKATH AUTO FUELS
IRINJALAKUDA DESOM, MANAVALASSERI VILLAGE, REPRESENTED BY ITS PROPRIETOR SRI. JOSE, AGED 61 YEARS, S/O. VAREED, POKKATH HOUSE, IRINJALAKUDA, PIN - 680121

BY ADVS. SRI.A.RAJAGOPALAN(R-77)
SRI.M.N.MANMADAN(K/198/1998)
SRI.SOJO J.KALLIDUKIL(S-1595)
SMT.P.SEENA(K/000546/2000)
SRI.ASWIN JOE PICHAPPILLY(K/1753/2020)
SMT.ASWATHY SUNIL KUMAR(K/001110/2022)
SRI.ABAN GEO SABU(K/001166/2022)

THIS MISCELLANEOUS JURISDICTION CASE HAVING COME UP FOR ADMISSION ON 17.10.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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ORDER

Dated this the 17th day of October, 2024

The application is filed to set aside the judgment dated 25.10.2022 and to restore the Original Petition back to file.

2. The applicant has stated in the MJC that this Court had dismissed the Original Petition for the reason that no steps were taken to effect service of notice on the respondent. The said omission occurred due to change of the Standing Counsel of the applicant. There is no wilfull laches or negligence on the part of the applicant in prosecuting the Original Petition. The applicant has serious contentions to be urged in the Original Petition. Hence, the MJC may be allowed.

3. Heard.

4. For the reasons stated in the affidavit filed in support of the MJC, I am satisfied that the MJC is to be allowed.

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5. Resultantly, the MJC is allowed by setting aside the judgment dated 25.10.2022. The Original Petition is restored back to file.

Post as per roster.

Sd/-

C.S.DIAS
JUDGE

NAB