

IN THE COURT OF THE DISTRICT JUDGE, KASARAGOD

Present: Sri.S. Manohar Kini, B.Sc. LLM, District Judge.

Wednesday, the 20<sup>th</sup> day of June, 2018/30<sup>th</sup> Jyaishta 1940.

**C.M.A. No. 1 OF 2018**

**Between:-**

K.M.Majeed, aged 46 years,  
S/o.K.Muhammed, R/at.Chengala, East Bevinje,  
(PO). Thekkilferry, Chengala Village,  
Kasaragod Taluk & District.

} Appellant/  
Petitioner/  
Defendant

And

O.M.Shahul Hameed, aged about 58 years,  
S/o.Mohammed, R/at.Raziyas House,  
Padnna Village & (PO),  
Hosdurg Taluk, Kasaragod District.

} Respondent/  
Respondent/  
Plaintiff.

On appeal against the order passed by the Subordinate Judge of Kasaragod dated 30-11-2017 and made in

I.A.No.234/2017 in O.S.No.7/2015

**Between:-**

K.M.Majeed : Petitioner/Defendant

And

O.M.Shahul Hameed : Respondent/Plaintiff

This appeal coming on 14<sup>th</sup> day of June, 2018 for final hearing before me in the presence of Sri.Benny Jose, Advocate for the appellant; of Sri.I.V.Bhat, Advocate for Respondent and having stood over to this day for consideration, the court passed the following:-

**ORDER**

1. This is an appeal filed by the defendant in O.S.7/2015 on the file of Subordinate Judge's Court, Kasaragod. He had approached the lower court with a petition Under Order 9 Rule 13 Cr.P.C (RPIA.234/2017) to set aside the decree passed against him exparte. The lower court dismissed the application for default on 30.11.2017.

2. Respondent appeared. Learned Counsel for the respondent raised a preliminary objection regarding the maintainability of the appeal before this court. Counsel pointed out that the suit was filed by his client for realisation of ₹18 lakhs from the appellant.

3. As per the provision of the civil court's Act as amended in 2013, appeals against judgment in suits whose subject matter is valued up to ₹20 Lakhs as maintainable before this court. Hence this CMA is maintainable before this court. Preliminary point answered accordingly. Appeal found maintainable before this court.

For hearing 27.7.2018.

Pronounced in open court this the 20<sup>th</sup> day of June, 2018.

**DISTRICT JUDGE**

Typed by : Radha.A

Compared by: Rajitha.K

Fair/Copy of order  
in CMA No.1/2018  
Dated: 20-6-2018.