

ITEM NO.1501

COURT NO.13
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XI-B

Petition(s) for Special Leave to Appeal (C) No(s). 34086/2025
[Arising out of impugned final judgment and order dated 24-09-2025
in RSA No. 233/2024 passed by the High Court of Kerala at
Ernakulam]

JOHN MATHEW

Petitioner(s)

VERSUS

SANTHA PAUL & ORS.

Respondent(s)

[HEARD BY: HON'BLE MR. JUSTICE K.V. VISWANATHAN AND HON'BLE MR.
JUSTICE ARUN PALLI]

IA No. 301074/2025 - EXEMPTION FROM FILING O.T.

Date : 21-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :Mr. V. Chitambaresh, Sr. Adv.
Mr. Bijo Mathew Joy, AOR
Mrs. C. Vijayakumari, Adv.
Ms. Gifty Marium Joseph, Adv.
Mr. C. Govind Venugopal, Adv.
Mr. Sparsh Srivastava, Adv.
Mr. Aswin Krishnan, Adv.

For Respondent(s) :Mr. V. Giri, Sr. Adv.
Mr. Mohammed Sadique T.A., AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.
Mr. Rahul Narang, Adv.
Mr. Harshed Sundar, Adv.
Mr. Nihar Dharmadhikari, Adv.
Ms. Aishwarya Mishra, Adv.

Upon hearing the counsel, the Court made the following
O R D E R

1. Hon'ble Mr. Justice Arun Palli has pronounced a
reportable judgment of the Bench comprising Hon'ble Mr.
Justice K.V. Viswanathan and His Lordship.

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SHUBHAM SONI
Date: 2026.09.21
14:44:05 IST
Reason:

2. Leave granted.
3. The operative portion of the reportable judgment reads as under:

"CONCLUSION

47. The present case illustrates the distinction at the heart of Order XIV Rule 2. The framing of all issues does not, by itself, prevent the Court from directing prior trial of a qualifying issue under sub-rule (2). But once the Court has embarked upon the trial of the issues generally, that power can no longer be invoked to reorder a trial already underway. Here, the Plaintiff had completed his evidence, and the Defendants had entered upon theirs. Issue No. 5 was, therefore, not an issue awaiting a decision whether it should be 'tried first'; it was already part of a composite trial in progress. Order XIV Rule 2(2) could not be employed at that stage to convert what was already being tried together into a preliminary adjudication of one issue alone.

48. Thus, in the wake of the position sketched out above, the only and the inevitable conclusion that we could reach is: that the order passed by the Trial Court, the judgment of the First Appellate Court as also the decision rendered by the High Court are apparently unsustainable. Thus, are accordingly set aside. The IA No. 2647 of 2018 is dismissed. The suit (OS No. 337 of 2013) is restored to the file of the Munsiff Court, Kottarakara. The Trial Court shall accordingly resume the proceedings from the stage immediately before the interruption caused to the ordinary course of trial by I.A. No. 2647 of 2018.

49. The trajectory of the present litigation

at all forums is a telling illustration of the very mischief which the procedural law was designed to prevent. A suit instituted in 2013, with all issues having been framed as far back as 2015, is being remitted after over a decade for a decision on merits. Thus, in the given circumstances we request the Trial Court to decide the suit within three months from the receipt of the copy of this judgment.

50. The interim order dated 08.12.2025 directing a stay of the proceedings in OS No. 337 of 2013 at the Munsiff Court, Kottarakara stands vacated. The Civil Appeal is accordingly disposed of in the above terms. No order as to costs.

51. Needless to assert that this judgment shall not constitute an expression of opinion on the merits of the case of either of the parties. The Trial Court shall decide the suit on its own merits and in accordance with law."

4. The appeal stands disposed of in terms of the signed reportable judgment.

5. Pending application(s), if any, shall also stand disposed of.

(SHUBHAM SONI)
COURT MASTER (SH)

(Signed reportable judgment is placed on the file)

(NIKITA SINGH)
COURT MASTER (NSH)