

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

CRP.No. 19 of 2014

I.A.NOS.621/12 AND 622/12 IN O.S.NO.48/2011 OF THE SUB COURT, TIRUR.

REVISION PETITIONER/PLAINTIFF:

**MUHADEEN RAFI, S/O.THONIKADAVATH ABDULLA,
THONIKADAVATH HOUSE, KUTTIPPURAM AMSOM,
TIRUR TALUK, MALAPPURAM DISTRICT**

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT/DEFENDANT:

**KANDATHUVALAPPIL KADEEJA,
W/O.MOOKKATHAZHATHU BACKER,
PATTITHARA AMSOM, ALUR DESOM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT PIN 679 534**

BY ADV. SRI.B.KRISHNA MANI

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AS

A.HARIPRASAD, J.

C.R.P.No.19 of 2014

Dated this the 28th day of May, 2015

ORDER

The revision petitioner is the plaintiff in O.S.No.48 of 2011 pending before the Sub Court, Tirur. He is challenging the order passed by the learned Subordinate Judge on Interlocutory Applications in the above suit.

2. The defendant was set ex parte on 3.8.2011 in a suit for specific performance of contract. Thereafter, the suit was decreed. Grievance of the revision petitioner is that when the court was about to execute a document in favour of the plaintiff pertaining to the properties described in the plaint schedule, the defendant came forward with a petition under Order IX Rule 13 C.P.C. to set aside the ex parte decree supported by a petition under 5 of the Limitation Act for condonation of 186 days delay.

3. The court below allowed both the applications and the ex parte decree was set aside, on a direction that the defendant should pay costs of Rs.5000/- to the plaintiff.

4. Heard learned counsel for the petitioner and the respondent.

5. The contention of the petitioner is that the defendant is adopting a delaying tactics in getting the matter adjudicated on merits. Considering the submissions at the Bar and on perusal of the order, I am of the view that the impugned order does not suffer from any legal infirmity deserving an interference in a revision. However, I make it clear that the matter should be expedited by the trial court, so that both sides can have their rights adjudicated as early as possible.

In the result, the revision petition is disposed by confirming the impugned order and with a direction that the learned Subordinate Judge shall dispose of the suit as expeditiously as possible, at any rate, within a period of 'one year' from the date of production or receipt of this order.

Sd/-

A.HARIPRASAD, JUDGE.

AS

The word '**judgment**' occurring in the last paragraph

of the order dated 28/05/2015 in C.R.P.No.19/2014 is corrected and substituted as '**order**', vide order dated 09/06/2015 in C.R.P.No.19/2014.

Sd/-
Registrar (Judicial)