

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

FAO.No. 93 of 2009 ()

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AGAINST THE ORDER IN I.A.9246/2008 IN OS 1716/2008 OF I ADDITIONAL SUB COURT,
THRISSUR DATED 04-03-2009**

APPELLANT/PLAINTIFF/PETITIONER:

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MANIKANDAN, AGED 32,
S/O.NANDANAN, KADUKANDAN HOUSE, VILVATTOM VILLAGE
MUTUMUKU DESOM, THRISSUR TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SMT.PREETHY KARUNAKARAN**

RESPONDENT/DEFENDANT/RESPONDENT:

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MANI, NAIR PARAMBIL HOUSE,
D/O.MANIKYAN KUNJAMMA, POONKUNNAM DESOM
THRISSUR VILLAGE, TALUK AND DISTRICT.**

BY ADV. SRI.K.G.BALASUBRAMANIAN

**THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

shg/

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

F.A.O.No.93 of 2009

Dated this the 25th day of May, 2015

J U D G M E N T

Ramachandran Nair, J.

This appeal arises from the order in I.A.No.9246/2008 in O.S.No.1716/2008 on the file of the First Additional Sub Court, Thrissur. The appellant is the plaintiff in the suit itself. By the impugned order, an application under Order XXXIX Rules 1 & 2 and Section 151 of Code of Civil Procedure for temporary injunction was dismissed by the court below. This court while admitting the appeal passed the following order on 3.4.2009.

“Admit. Notice.

I.A.No.1324/2009

There will be an interim direction to the respondent not to encumber or alienate the property for a period of two months on condition that the appellant/petitioner shall deposit the amount of Rs.3,00,000/- (Rupees three lakhs only) before this court within one month.”

Thereafter, the interim order was vacated by the another order dated 3.6.2009 as the condition was not complied with.

2. It is reported that O.S.No.1716/2008 itself has been disposed of by the First Additional Sub Court, Thrissur on 7.8.2010 and that the matter has become unnecessary.

The appeal is accordingly dismissed.

Sd/-

T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

K.P. JYOTHINDRANATH
JUDGE

shg/