

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

FAO.No. 187 of 2009 ()

AGAINST THE ORDER/JUDGMENT IN I.A.NO.1052 OF 2008 IN OS
87/2008 of COURT OF THE SUBORDINATE JUDGE, VADAKARA
DATED 26-02-2009

APPELLANT(S)/PETITIONERS/PLAINTIFFS:

1. FARISHA, S/O.KUNHALI, AGED 29 YEARS,
ARIYERI HOUSE, PERODE POST, VELLOOR AMSOM
PERODE DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT, KERALA STATE.
2. SHESHILA, AGED 13 YEARS (MINOR) ,
ARIYERI HOUSE, PERODE POST, VELLOOR AMSOM
PERODE DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT, KERALA STATE.
3. SHAHAL, AGED 7 YEARS (MINOR) ,
ARIYERI HOUSE, VATAKARA TALUK,
KOZHIKODE DISTRICT, KERALA STATE.
4. SHABIN, AGED 2 YEARS (MINOR) ,
ARIYERI HOUSE, PERODE POST, VELLOOR AMSOM
PERODE DESOM, VATAKARA TALUK,
KOZHIKODE DISTRICT, KERALA STATE.

(MINOR APPELLANTS 2 TO 4 ARE REP. BY NEXT FRIEND
IST APPELLANT MOTHER) .

BY ADVS.SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENT(S)/RESPONDENTS/DEFENDANTS:

1. K.M.SIDHEQUE, S/O.KUNHAMMAD, AGED 30 YEARS,
OCCUPATION, 'NIL', RESIDING AT
KIZHAKKE MUKKATT, ERAMALA AMSOM
ORKATTERI DESOM, POST ORKKATTERI,
VATAKARA TALUK, KOZHIKODE DISTRICT,
KERALA STATE.

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2. K.M.USMAN, S/O.ASSAINAR, AGED 59 YEARS,
TRADER, RESIDING AT SARAMBI THAZHE KUNIYIL,
ONCHIYAM AMSOM, KANNOOKKARA DESOM
POST KANNOOKKARA, VATAKARA TALUK,
KOZHIKODE DISTRICT, KERALA STATE.

R1 BY ADV. SRI.SAJU.S.A

R1 BY ADV. SRI.C.DILIP

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR
ADMISSION ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

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F.A.O.No.187 of 2009
.....

Dated this the 21st day of May, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

We have heard the learned counsel for the appellants and the learned counsel for the respondents.

This appeal is against an order of temporary injunction passed pending a suit. That order was passed way back on 26.02.2009. This appeal stands with no interlocutory order in favour of the appellants. Under such circumstances, we do not see that interest of justice requires further consideration of this appeal against an interlocutory order. We, therefore, leave the parties to have the result of the suit appropriately obtained and further prosecuted before any higher forum, as may be found necessary. Hence,

leaving it open to the trial court to decide on the suit untrammelled by anything stated in the impugned order, this appeal is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

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