

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

FAO.No. 11 of 2015 ()

I.A.NO.5688/2014 IN O.S.293/14 OF 1ST ADDL.SUB COURT, THRISSUR.

APPELLANT/PETITIONER/PLAINTIFF:

SALIM,
S/O.KARUTHAVEETIL BEERU, MANATHALA VILLAGE
THIRUVATHRA P.O., CHAVAKKAD TALUK.

BY ADVS.SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN
SRI.JOSEPH ALBIN NEDUNTHALLY

RESPONDENT/RESPONDENT/DEFENDANT:

T.R.DAVID,
S/O.THALAKKOTTUKARAN RAHEAL, T.C.34/671(1)
G.V.RAJA ROAD, SANGUMUKHAM BEECH P.O.
THIRUVANANTHAPURAM-695 007.

BY ADV. SRI.K.B..GANGESH (CAVEATOR)

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

F.A.O.No.11 OF 2015

DATED THIS THE 11th DAY OF FEBRUARY, 2015

JUDGMENT

P.N.RAVINDRAN, J.

The appellant is the plaintiff in O.S.No.293 of 2014 on the file of the Court of the First Additional Subordinate Judge of Thrissur. The sole respondent is the defendant therein. The suit instituted by the appellant is one for specific performance of an agreement for sale stated to have been entered into by him with the defendant on 29.5.2013. Along with the plaint, the appellant filed I.A.No.5688 of 2012 for an interim order of injunction restraining the defendant from assigning plaint schedule property to others. Though initially an ad interim order of injunction was passed, after hearing both sides, the ad interim order of injunction was vacated and the application for injunction was dismissed by order passed on 6.1.2015. Hence this appeal.

2. When this appeal came up for admission hearing today, the learned counsel for the appellant sought permission to withdraw the appeal, reserving liberty with the appellant to prosecute I.A.No.5689 of 2014, an application filed by the appellant along with the plaint for attachment before judgment of the plaint schedule property. The learned

counsel submitted that though several months have passed after the application for attachment was filed, till date orders have not been passed thereon. The learned counsel submitted that in such circumstances, the appeal may be dismissed as withdrawn with a direction to the court below to pass expeditious orders on I.A.No.5689 of 2014, after affording both sides an opportunity of being heard. The learned counsel for the respondent did not oppose the said submission.

In such circumstances, this appeal is dismissed as withdrawn, but with a direction to the Court of the First Additional Subordinate Judge of Thrissur where O.S.No.293 of 2014 is pending, to hear and dispose of I.A.No.5689 of 2014 on the merits, after affording the respondent/defendant an opportunity to file objections, if such objections have not already been filed, expeditiously and in any event within an outer limit of one month from the date on which either of the parties produce a copy of this judgment.

Sd/-
P.N.RAVINDRAN,
JUDGE

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn