

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

FAO.No. 120 of 2015 ()

I.A. NO. 347/2015 IN AS NO. 23/2015 OF SUB COURT, TIRUR

APPELLANT/PETITIONER/APPELLANT :

**MALIYEKKAL JAMEELA, AGED 54 YEARS,
W/O.ABDUL RAHEED, VELIYAMCODE AMSOM,
GRAMAM DESOM, P.O.GRAMAM, PONNANI TALUK.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENTS/RESPONDENT/RESPONDENTS :

- 1. ABDUL NASAR, SUMAR, AGED 50 YEARS,
S/O.MUHAMMED KUTTY, THIRUTHIYIL HOUSE,
OMACHAPUZHA P.O., THEYYALA, TIRUR TALUK.**
- 2. K.M.ABDUL VAHID,CONSULTING ENGINEER
BABU ASSOCIATES ENGINEERS & ARCHITECTS,
APM COMPLEX, NEAR OVER BRIDGE, TIRUR-1.**
- 3. BAVA @ KUTTU, AGED 61 YEARS,
S/O.MALIEKKAL KUNJUMON, CHERACHAM VEETIL,
MOULANA HOUSE, THRIPRANGODE AMSOM DESOM,
P.O.THRIPPANGODE, ALUNGAL, TIRUR TALUK.**

**THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

P.B.SURESH KUMAR, J.

F.A.O.No.120 of 2015

Dated this the 11th day of June, 2015

JUDGMENT

The order on I.A No. 347/2015 in A.S No.23/2015 on the file of the Sub Court, Tirur is under challenge in this Appeal. A.S No.23 of 2015 is an appeal preferred against the decree and judgment in O.S No.158 of 2013 on the file of the the Munsiff Court, Tirur.

2. The suit referred to above was filed by the appellant seeking a decree of permanent prohibitory injunction restraining the defendants from constructing any structures in plaint A schedule property and destroying the well situated in plaint B Schedule property. The defendants contested the suit contending mainly that the plaintiff has no right in plaint A and B schedule properties. The suit was dismissed by the trial court and the decision of the trial

court was challenged by the appellant in the appeal referred to above.

3. In the appeal, the appellant filed I.A No.347 of 2015 seeking an order directing the defendants to maintain status quo in relation to the plaint schedule properties. The materials on record indicate that by the said interlocutory application, the appellant was attempting to prevent the construction of buildings in plaint A schedule property. The appellate court, on a consideration of the materials on record, dismissed the application as per the order impugned in this appeal.

4. In so far as the appellant could not succeed in the suit, a prima facie case cannot be found in her favour to grant the relief sought by her in the interlocutory application. In that view of the matter, the impugned order cannot be held to be illegal. However, having regard to the facts and circumstances of the case, I deem it appropriate to direct the appellate court to dispose of the appeal

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expeditiously.

5. In the result, the appeal is disposed of directing the Sub Court, Tirur to dispose of A.S No.23 of 2015 as expeditiously as possible, at any rate, within a period of two months from today.

P.B.SURESH KUMAR, JUDGE.

smm