

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.V. ASHA

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

FAO.No. 145 of 2015 ()

AGAINST THE ORDER DTD.10.4.2015 OF THE SUB COURT, PATHANAMTHITTA
IN I.A.NO.514/14 IN OS.27/14

APPELLANT(S)/PETITIONER/PLAINTIFF:

P.V. JOSEPH, AGED 50 YEARS,
S/O P. VARGHESE, PUTHENPURACKAL HOUSE
KOCHUKOICKAL POST, SEETHATHODU MURI
CHITTAR-SEETHATHODU VILLAGE, RANNI TALUK
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
N. SREEKUMAR, S/O NARAYANAPILLAI, THAYIL HOUSE
ULLAYAM MURI, VELLAVOOR VILLAGE, KADAYANIKKADU POST
CHANGANASSERI TALUK

BY ADVS. SRI.P.SUJITH KUMAR
SRI.N.KRISHNA PRASAD

RESPONDENT(S)/RESPONDENT/DEFENDANT:

P.V. ABRAHAM, AGED 64 YEARS,
S/O VARGHESE, PULLAMPALLIL, ANAPPARA
KUMBAZHA MURI, PATHANAMTHITTA VILLAGE
KZHENCHERRY TALUK

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

F.A.O.No.145 of 2015

Dated this the 27th day of November, 2015

JUDGMENT

Antony Dominic, J.

1. Plaintiff in O.S.27/14 on the file of the Sub court, Pathanamthitta is the appellant. The suit is filed for specific performance of an agreement. In the suit, I.A.514/14 was filed seeking an order restraining the respondent defendant from alienating the property to others and also to restrain him from trespassing into the plaint schedule property. By its order dated 10.4.2015, the Sub Court disposed of the interlocutory application, injuncting the respondent from executing any document in respect of the plaint schedule property or any part thereof in favour of anyone, except the plaintiff. It was aggrieved by this order, the appeal is filed.

2. In this appeal, this Court, by order dated 20.7.2015, restrained the respondent by an order of temporary injunction from committing any act of waste or damage in the petition schedule property and that order remains in force even now.

3. we heard learned counsel for the appellant and considered the submissions made.

4. As we have already stated, the suit is filed for specific performance of the agreement. In such a suit, if any act of waste is committed, that will be prejudicial to the interest of the appellant plaintiff. It was therefore that this Court has passed the above-referred interim order dated 20.7.2015. According to us, the said order is liable to be maintained till the disposal of the suit.

In the aforesaid circumstances, we dispose of this appeal, making the interim order dated 20.7.2015 absolute.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
P.V.ASHA, Judge.

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PS to Judge