

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

FAO.No. 145 of 2014

I.A.NO.4666/2013 IN A.S.NO.304/2013 OF DISTRICT COURT, THRISSUR.
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APPELLANT/PETITIONER:

**DEVALAL, AGED 46 YEARS, S/O.KUMARAN,
VANNERIKKATTIL @ ALAKKARAN HOUSE,
PERINJANAM VILLAGE, PERINJANAM DESOM,
KODUNGALLUR TALUK, REPRESENTED BY
POWER OF ATTORNEY HOLDER AND HIS WIFE
SHEEJA DEVALAL, AGED 42 YEARS,
PERINJANAM VILLAGE, PERINJANAM DESOM,
KODUNGALLUR TALUK, THRISSUR DISTRICT - 680 686.**

**BY ADVS.SMT.K.GIRIJA
SRI.MATHEW KURIAKOSE**

RESPONDENTS/RESPONDENTS:

- 1. MOHANAN, AGED 58 YEARS,
S/O.SANKARAN, KARUKAPARAMBIL HOUSE,
PERINJANAM VILLAGE, P.O.PERINJANAM,
PERINJANAM DESOM, KODUNGALLUR TALUK,
THRISSUR DISTRICT - 680 686.**
- 2. SARALA, AGED 47 YEARS,
W/O.MOHANAN, KARUKAPARAMBIL HOUSE,
PERINJANAM VILLAGE, P.O.PERINJANAM,
PERINJANAM DESOM, KODUNGALLUR TALUK,
THRISSUR DISTRICT - 680 686.**

BY ADV. SRI.V.M.KRISHNAKUMAR

**THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

P.B.SURESH KUMAR, J.

FA.O.No.145 OF 2014

Dated this the 24th day of March, 2015

JUDGMENT

The appellant is the plaintiff in O.S.250/11 on the file of the Court of the Subordinate Judge, Irinjalakkuda. O.S.250/11 was a suit for declaration of the easement right claimed by the plaintiff over plaint B schedule property in the suit and for injunction. The defendants in the suit preferred O.S.348/2010 before the Sub Court, Irinjalakkuda, seeking a decree of injunction against the plaintiff. Both the suits were tried together and by a common judgment, the trial court dismissed O.S.250/11 and decreed O.S.No.348/10. Aggrieved by the common judgment, the appellant preferred two appeals. A.S.304/13 was preferred against the judgment in O.S.250/11 and A.S.305/13 was preferred against the judgment in O.S.348/10 before the District Court, Thrissur. In A.S.304/13, the appellant has also filed I.A.4666/13 seeking an order of temporary injunction restraining the defendants in suit O.S.250/11 from interfering with the user of the plaint B schedule property. The appellate court as per the order impugned in the appeal dismissed I.A.4666/13. Hence this appeal.

2. Heard learned counsel for the appellant and the learned

counsel for the respondents.

3. The impugned order was passed as early as 7th February, 2014. This appeal is seen filed on 9.4.2014. No interim order is seen granted in favour of the appellant. In the circumstances, I am not inclined to consider the merits of the contentions raised by the appellant in this appeal. According to me, the grievance of the appellant can be redressed by directing the appellate court to dispose of the appeal expeditiously.

In the result, the appeal is disposed of directing the District Court, Thrissur to dispose of the appeal, A.S.Nos.304/13 as expeditiously as possible.

P.B.SURESHKUMAR, JUDGE

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