

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

FAO.No. 258 of 2014 ()

I.A.NO.896 OF 2014 IN A.S.NO.92 OF 2014 ON THE FILE OF ADDITIONAL DISTRICT COURT -V,

PALAKKAD.

APPELLANT(S)/PETITIONER/APPELLANT/PLAINTIFF:-:

KANAKALATHA, AGED 34 YEARS
W/O.MURUKESAN, VALIYAKALLIYAMPARA, ATTAYAMPATHY
MENONPARA P.O., OZHALAPATHY VILLAGE, CHITTUR TALUK
PALAKKAD DISTRICT.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS/RESPONDENTS/RESPONDENTS/DEFENDANTS:-:

1. ANTHONISWAMI,, AGED 64 YEARS
S/O.DAVEED, VALIYAKALLIYAMPARA, ATTAYAMPATHY
MENONPARA P.O., OZHALAPATHY VILLAGE, CHITTUR TALUK
PALAKKAD DISTRICT. 678 556.
2. MEDALAMARY,, AGED 62 YEARS
W/O.ANTHONISWAMY, VALIYAKALLIYAMPARA, ATTAYAMPATHY
MENONPARA P.O., OZHALAPATHY VILLAGE, CHITTUR TALUK
PALAKKAD DISTRICT. 678 556

R1-R2 BY ADV. SRI.RAJESH SIVARAMANKUTTY

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

F.A.O. No.258 of 2014

Dated 22nd May, 2015.

J U D G M E N T

The order on I.A.No.896 of 2014 in A.S.No.92 of 2014 on the file of the Additional District Court - V, Palakkad is under challenge in this appeal.

2. The appellant in the appeal referred to above is the plaintiff in O.S.No.362 of 2012 on the file of the Munsiff's Court, Chittur. The suit was one for injunction. The trial court dismissed the suit holding that the plaintiff has not made out a cause of action against the defendants. The plaintiff challenged the decision of the trial court in appeal. In the appeal, she filed I.A.No.896 of 2014 claiming an order of temporary injunction, alleging that the defendants have attempted again to trespass upon the property. As stated above, the appellate court dismissed I.A.No.896 of 2014 as per the order impugned in this appeal.

3. The appeal was filed on 18.8.2014. Though the appellant sought an interim order in the appeal, no interim

order is seen granted in her favour. Since no interim order was granted to the appellant in this appeal, I deem it appropriate to dispose of this appeal with a direction to the lower appellate court to dispose of A.S.No.92 of 2014 on merits, as expeditiously as possible.

In the result, the appeal is disposed of with a direction to the Additional District Court-V, Palakkad to dispose of A.S.No.92 of 2014 on merits, as expeditiously as possible.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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