

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

OP(C).No. 3034 of 2012 (O)

(OS 249/2009 of MUNSIFF COURT, ALUVA)

PETITIONER:

CHOTHY
AGED 61, S/O.VELAKELI, THERUKOOTTAM HOUSE
KARUKUTTYKARA, KARUKUTTY VILLAGE, PADUVAPURAM P.O.

BY ADV. SMT.P.V.KOCHUTHRESIA

RESPONDENT:

VELAYUDHAN
S/O.CHATHAM, VARUTHIPPILLY HOUSE, KARUKUTTY KARA
KARUKUTTY VILLAGE, PADUVAPURAM P.O. 691585. (Died. LRs
impleaded)

ADDL.R2 KARTHU, W/O. VELAYUDHAN, VARUTHIPPILLY HOUSE,
KARUKUTTY KARA, KARUKUTTY VILLAGE,
PADUVAPURAM P.O.

ADDL.R3 BABU, S/O. VELAYUDHAN, -DO- -DO-

ADDL.R4 SHEELA, D/O. VELAYUDHAN, -DO- -DO-

(ADDL.R2 TO R4 ARE IMPEADED AS LEGAL REPRESENTATIVES
OF DECEASED R1, AS PER ORDER DTD.5.2.13 IN
I.A.1546/2013)

R1 BY ADV. SRI.G.SANTHOSH KUMAR (P).

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 3034/2012

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF PLAINT IN O.S.249/2009 OF MUNSIFF COURT,
ALUVA DTD.7.7.09.
- EXT. P2 : COPY OF WRITTEN STATEMENT IN EXT.P1
DTD. 26.11.09.
- EXT. P3 : COPY OF I.A.15812 IN EXT.P1.
- EXT. P4 : COPY OF I.A.159/12 IN EXT.P1.
- EXT. P5 : COPY OF JUDGMENT IN O.P.(C) 578/12 DTD.17.2.12 OF
THIS COURT.
- EXT. P6 : COPY OF ORDER IN EXT.P4, DTD.25.2.12.
- EXT. P7 : COPY OF ORDER IN EXT.P4, DTD.24.7.12.

RESPONDENT'S EXHIBITS: NIL.

// True copy //

P.A to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.3034 OF 2012

Dated this the 30^h day of March, 2015.

J U D G M E N T

Today, when the matter is taken up for hearing, learned counsel for the petitioner pressed for an order on I.A.No.4599/2015 which was filed seeking an interim injunction restraining the respondents and their men from forcibly trespassing into the plaint schedule property in O.S.No.249/2009 of Munsiff Court, Aluva.

2. It is significant to notice that the orders challenged before this Court are, 1) declining to grant amendment and 2) declining to grant a commission application.

If the petitioner has any grievance regarding any other conduct of the respondents, he may approach the court below for appropriate reliefs. The stay order passed by this Court will not stand in the way of the court below hearing and disposing of application for injunction if any filed before it in accordance with

law and after hearing both parties. If any such petition is filed, it shall be disposed of as expeditiously as possible.

This original petition is disposed of as above.

Sd/-

**P.BHAVADASAN
JUDGE**

smp