

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

OP(C).No. 70 of 2015 (O)

AS.NO. 189/2012 OF SUB COURT, KANNUR

PETITIONER(S) :

1. P.C.HYMA
D/O. P.C. LEELA, AGED 69 YEARS
NO. 32, JANAKI RAMAN COLONY
ARUMBAKKAM, CHENNAI – 600 106
NOW RESIDING AT SURAJ
P.O. PATHAYAKUNNU, KANNUR DISTRICT.
2. P.C DINESH
S/O. P.C. LEELA, AGED 60 YEARS
RESIDING AT PALM LANDS, KANNUR – 1
AND NOW RESIDING AT AMRITHAM
P.O. CHALAD, KANNUR DISTRICT.
3. P.C. SURENDRAN
S/O. P.C. LEELA, AGED 61 YEARS
C/O. MOHANDAS, JAFFAR MOTORS
B.P. 90, KIGALI RWANDA,
NOW RESIDING AT PREETHI, P.O. CHALAD
KANNUR – 14.

BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR

RESPONDENTS/APPELLANTS :

1. C.C. PAVITHRAN
S/O. LATE BHASKARAN, AGED 71 YEARS
CHARTERED ENGINEER, RESIDING AT PREMA VILLA
CAMP BAZAR, KANNUR – 670 001.
2. P.C. PREMA
D/O. LATE BHASKARAN, AGED 67 YEARS
RETIRED HEAD MISTRESS
RESIDING AT PREMA VILLAGE
CAMP BAZAR, KANNUR – 670 001.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 12-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 70 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE ORDER IN F.D.I.A. NO. 2734 OF 2008 IN OS NO. 50 OF 1998 DATED 17.9.2010.

EXT.P2 COPY OF THE APPEAL MEMORANDUM IN AS NO. 189 OF 2012 OF SUB COURT, KANNUR.

RESPONDENT'S EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

Mn

P.BHAVADASAN, J.

Original Petition (Civil) No.70 OF 2015

Dated this the 12th day of January, 2015.

J U D G M E N T

In this original petition under Article 227 of the Constitution of India, the limited prayer of the petitioners is for a direction to the Sub Court, Kannur to take up A.S.No.189/2012 and dispose of it on merits as expeditiously as possible.

2. The petitioners point out that the suit was one for partition in which preliminary decree was passed and final decree proceedings are going on. The petitioners would say that they would like to have their appeal heard on merits and they have been taking steps for the same. The petitioners also point out that unless the appeal is directed to be disposed of at the earliest, irreparable loss and injury will be caused to them.

3. After having heard the learned counsel for the petitioners, this Court finds no reason as to why the relief sought for by the petitioners should not be granted to them.

In the result, this petition is allowed. There will be a direction to the Sub Court, Kannur to take up A.S.No.189/2012 and dispose of it as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

P.BHAVADASAN
JUDGE

smp