

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. 71 of 2015 (O)

OS. NO. 216/2011 OF SUB COURT, PALA

PETITIONER :

**A.V. JAMES,
S/O.ANTONY, AGED 74 YEARS
VELANMARUKUDIYIL HOUSE
BHARANANGANAM VILLAGE,
MEENACHIL TALUK, PIN**

**BY ADVS.SMT.DAISY A. PHILIPOSE
SRI.JAI GEORGE**

RESPONDENTS :

- 1. K.K.ABRAHAM,
S/O.KURUVILA, KURUVINAKKUNNEL HOUSE, EDAMMATOM KARA
POOVARANY VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT
PIN - 686 001.**
- 2. JOSEPH ANTONY,
S/O.GEORGE, KATTIYAKKARAN HOUSE
TRIKKANARVATTOM VILLAGE, ERNAKULAM NOTRH P.O.
PIN - 682 018.**
- 3. THOMAS,
S/O.GEORGE, KATTIYAKKARAN HOUSE
TRIKKANARVATTOM VILLAGE, ERNAKULAM NOTRH P.O.
PIN - 682 018.**
- 4. MARIYAMMA,
W/O.ABRAHAM, KATTIYAKKARAN HOUSE
TRIKKANARVATTOM VILLAGE, ERNAKULAM NOTRH P.O.
PIN - 682 018.**
- 5. MATHEW,
S/O.JACOB, MANTHADIYIL HOUSE, ARUNAPURAM P.O.
PULIYANNOOR VILLAGE, MEENACHIL TALUK, PIN - 686 574.**
- 6. SHEELA,
W/O.MATHAI, MANTHADIYIL HOUSE, ARUNAPURAM P.O.
PULIYANNOOR VILLAGE, MEENACHIL TALUK, PIN - 686 574.**

7. MARIYAMMA,
W/O.JOSEPH, NARAYANAMATTOM HOUSE, KURIANADU KARA
KUEICHITHANAM VILLAGE, MEENACHIL TALUK, PIN - 686 001.
8. JOSE,
S/O.GEORGE, KUDIKKAYANIYIL HOUSE, THIDANADU P.O.
KONDUR VILLAGE, MEENACHIL TALUK, PIN - 686 001.
9. THOMAS,
S/O.KURUVILA,
MOOLECHALIL HOUSE, EDAMATTOM P.O. (DIED)
POOVARANIYIL VILLAGE, MEENACHIL TALUK
PIN - 686 001.
10. CICILY,
W/O.SEBASTIAN, KUTTIYIL HOUSE, EDAMATTOM P.O.
POOVARANIYIL VILLAGE, MEENACHIL TALUK, PIN - 686 001.
11. MARIYAKKUTTY,
W/O.KURUVILLA, KARIMBANAL HOUSE, KANJIRAPPALLY P.O.
KANJIRAPPALLY TALUK, PIN - 686 507.
12. THOMAS,
S/O.KURIAN, VELANKUNNEL HOUSE, MUDAPPALLOOR P.O.
ALATHOOR TALUK, PALAKKAD DISTRICT, PIN -678 705.
13. JAIQUES MATHEW,
S/O.MATHEW, MANTHADIYIL HOUSE, ARUNAPURAM P.O.
PULIYANNOOR VILLAGE, MEENACHIL TALUK, PIN - 686 574.
14. ANIL,
MANTHADIYIL HOUSE, ARUNAPURAM P.O.
PULIYANNOOR VILLAGE, PIN - 686 574.
15. NAVEEN,
MANTHADIYIL HOUSE, ARUNAPURAM P.O.
PIN - 686 576.
16. MARIA THOMAS,
D/O.THOMAS, KATTY'S DRY CLEANERS, T.A.B.ROAD
KOCHI - 682 018.

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

Mn

...3/-

OP(C).No. 71 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. A TRUE COPY OF THE PLAINT IN O.S.NO.216 OF 2011 ON THE FILES OF
 THE SUB COURT, PALA.**

**EXHIBIT P2. A TRUE COPY OF THE WRITTEN STATEMENT IN O.S.NO.216 OF 2011
 ON THE FILES OF THE SUB COURT, PALA.**

**EXHIBIT P3. A TRUE COPY OF THE PROCEEDINGS DATED 20.11.2014 IN
 O.S.NO.216 OF 2011 ON THE FILES OF THE SUB COURT, PALA.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.BHAVADASAN, J.

Original Petition (Civil) No.71 OF 2015

Dated this the 12th day of January, 2015.

J U D G M E N T

The limited prayer in this original petition under Article 227 of the Constitution of India is for a direction to the Sub court, Pala to take up and dispose of O.S.No.216/2011 pending before that court.

2. Learned counsel appearing for the petitioner points out that evidence was over and the matter was heard and it was posted for judgment on two occasions and finally by Ext.P3 the case was re-opened. The court below felt that in the light of the pendency of a writ petition before this Court, it may not be appropriate for that court to dispose of the suit. Learned counsel for the petitioner points out that pendency of writ petition has nothing to do with the suit and the petitioner has produced the document Ext.A17 only to show that the possession of plaint B schedule property is with the respondents. It is contended that the suit is being unnecessarily adjourned and that may cause

irreparable loss and injury to the petitioner.

This original petition is allowed. There will be a direction to the Sub Court, Pala to take up O.S.No.216/2011 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