

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

OP(C).No. 81 of 2015 (O)

O.S.NO.23/2013 OF PRINCIPAL MUNSIFF COURT, CHERTHALA

PETITIONER :

**LATHIKA, AGED 35 YEARS,W/O.BAIJU,
CHANIYIL LAKSHAM VEEDU, EZHUPUNNA SOUTH.P.O.,
CHERTHALA.**

BY ADV. SRI.JOHN JUDE ISSAC

RESPONDENT :

**SAJEEVAN, S/O.KARUNAKARAN,
KODIPPARAMBIL, EZHUPUNNA SOUTH.P.O.,
CHERTHALA,PIN-631 342.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(C).NO.81/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PLAINT IN O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P2 COPY OF THE WRITTEN STATEMENT O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P3 COPY OF THE PETITION DATED 16/9/2014 IN I.A.NO.3586/14 O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P4 COPY OF THE I.A.NO.4917/14 O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P5 COPY OF THE I.A.NO.4918/14 IN O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P6 COPY OF THE PETITION AS I.A.NO.6/15 IN O.S.NO.23/2013 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, CHERTHALA.
- P7 COPY OF THE ORDER DATED 6/1/15 IN I.A.NO.4918/14 IN O.S.NO.23/2013 PASSED BY THE HON'BLE PRINCIPAL MUNSIF COURT, CHERTHALA.

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

P. BHAVADASAN, J.

O.P.(C). No. 81 of 2015

Dated this the 13th day of January, 2015.

JUDGMENT

The grievance of the petitioner is that he had filed Ext.P3 petition for issuance of a direction to the Commissioner concerned to measure out the property in terms of the documents produced by him. That petition happened to be dismissed. He therefore filed Ext.P4 application, namely, I.A.4917 of 2014 for restoration of Ext.P3, namely, I.A. No. 3586 of 2014. The grievance is that while that petition is pending, the suit is listed for trial and if the suit is taken up for trial without the commission report, it will serve no purpose. Therefore, it is prayed that trial of the suit may be deferred till I.A. 4917 of 2014 is considered and disposed of on merits.

2. In the nature of the order that is proposed to be passed in this petition, notice to the respondent appears to be unnecessary.

This Original Petition is disposed of directing the Munsiff's Court, Cherthala to take up I.A. 4917 of 2014 in O.S. 23 of 2013 and dispose it of on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this judgment. Till then, trial of the suit shall stand deferred.

P. BHAVADASAN,
JUDGE

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