

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

OP(C) .No. 91 of 2015 (O)

(I.A.Nos.6134/2014 & 6442/2014 IN O.S.No.1464/2014 OF THE MUNSIF
COURT, THIRUVANANTHAPURAM)

PETITIONER

THRIVENI, D/O. RADHALEKSHMI,
TC 48/14, GOVINDA BHAVAN, AMABALATHARA,
POONTHURA P.O, THIRUVANANTHAPURAM

BY ADVS.SRI.M.R.ANANDAKUTTAN
SMT.M.A.ZOHRA
SRI.MAHESH ANANDAKUTTAN

RESPONDENT(S) :

1. M/S.RADHAKRISHNA RESIDENTS ASSOCIATION REG.NO.1019
VAZHAYILA, PEROORKADA, THIRUVANANTHAPURAM
REPRESENTED BY THE SECRETARY 695005.
2. THE SECRETARY, M/S. RADHAKRISHNA RESIDENTS ASSOCIATION
REG.NO.1019, VAZHAYILA, PEROORKADA,
THIRUVANANTHAPURAM-695005
3. THE PRESIDENT, M/S. RADHAKRISHNA RESIDENTS ASSOCIATION
REG.NO.1019, VAZHAYILA, PEROORKADA,
THIRUVANANTHAPURAM-695005

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE O.S.NO.1464/2014 PENDING BEFORE THE
MUNSIFF COURT, THIRUVANANTHAPURAM.

EXHIBIT P2: TRUE COPY OF THE I.A. NO.6134/2014 IN O.S.NO.1464/2014
PENDING BEFORE THE MUNSIFF COURT, THIRUVANANTHAPURAM.

EXHIBIT P3: TRUE COPY OF THE I.A. NO.6442/2014 IN O.S.NO.1464/2014
PENDING BEFORE THE MUNSIFF COURT, THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P. BHAVADASAN, J.

O.P.(C) No.91 of 2015

Dated this the 14th day of January, 2015.

JUDGMENT

The limited prayer in the original petition under Article 227 of the Constitution of India is for a direction to the Munsiff's Court, Thiruvananthapuram to dispose of Exts. P2 and P3 produced along with Ext.P1 suit, as expeditiously as possible, at any rate, within a time limit prescribed by this Court.

2. The petitioner is the second plaintiff in O.S.No.1464 of 2014 and the respondents are defendants. The suit is one for permanent prohibitory injunction and other reliefs. The commissioner was deputed in the suit for submitting a report. When the commissioner visited the property, the defendants prevented him from executing the work. The petitioner filed an interim application to seek police protection to the commissioner to carry out his work and that petition was allowed. The petitioner had also filed two other petitions viz, I.A.No.6134 of 2014 and I.A.No.6442

of 2014, seeking for prohibitory and mandatory injunction to restore the eastern compound wall of the plaint C schedule property.

3. Grievance is that these two petitions which are submitted as Exts. P2 and P3 in the original petition are being adjourned from time to time, which causes difficulties and inconvenience to the petitioner. The petitioner therefore prayed there may be a direction to the court below to dispose of Exts. P2 and P3 on merits.

4. At the time of hearing, the learned counsel for the petitioner points out that the case is now stands posted to 20.3.2015.

This original petition is disposed of directing the Munsiff Court, Thiruvananthapuram to take up I.A.Nos.6134 of 2014 and 6442 of 2014 by advancing the same and dispose it of, as expeditiously as possible, at any rate, within a period of one month from the date of a receipt of a copy of this judgment.

**P. BHAVADASAN
JUDGE**

Scl.