

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

OP(C).No. 92 of 2015 (O)

CMA. 3/2014 OF II ADDITIONAL DISTRICT COURT, KOZHIKODE.

PETITIONER(S):

1. CHITHRABHANU, AGED 53 YEARS,
S/O. BHASKARA MENON, 45/1035, (POURASAMITHI NO.4),
PATTERI PIPELINE ROAD, KOTTOOLI AMSOM AND DESOM,
KOZHIKODE TALUK.
2. CHITHRALEKHA, AGED 54 YEARS,
D/O. BHASKARA MENON, CHITHRA HOUSE,
T.C NO. 38, 502 POOTHOLI P.O., THRISSUR DISTRICT.
3. DEVAKI AMMA, AGED 74 YEARS,
W/O. BHASKARA MENON, CHITHRA HOUSE,
T.C NO. 38, 502, POOTHOLI P.O., THRISSUR DISTRICT.

BY SRI.T.KRISHNAN UNNI, SENIOR ADVOCATE.
ADVS. SRI.VINOD RAVINDRANATH,
SRI.SAJU.S.A.,
SMT.MEENA.A.,
SRI.K.C.KIRAN,
SRI.M.DEVESH.

RESPONDENT(S):

NIBU JOSE, AGED 29 YEARS,
S/O. JOSE JOSEPH, 28/173, KOCHUPURAKKAL,
CHEVARAMBALAM P.O., NELLIKODE AMSOM AND DESOM,
KOZHIKODE TALUK, REPRESENTED BY POWER OF
ATTORNEY HOLDER JOSE JOSEPH,
AGED 58 YEARS, S/O. KOCHUTHOMMAN, 28/173,
KOCHUPURAKKAL, CHEVARAMBALAM P.O.,
NELLIKODE AMSOM AND DESOM, KOZHIKODE - 673 017.

BY ADVS. SRI.N.M.MADHU,
SMT.C.S.RAJANI.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 08-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF PARTITION DEED NO. 446/2000 EXECUTED BY CHITHRABHANU AND OTHERS, DT. 27.01.2000.
- P2 - TRUE COPY OF ASSIGNMENT DEED NO. 2818/2008 EXECUTED BY UDYABHANU IN FAVOUR OF NEETHU JOSEPH, DT. 10.06.2008.
- P3 - TRUE COPY OF SETTLEMENT DEED NO. 4397/2012 DT. 06.11.2012 EXECUTED BY NEETHU JOSE IN FAVOUR OF NIBU JOSE.
- P4 - TRUE COPY OF THE PLAINT DT. 30.10.2013 IN OS. 745/2013 ON THE FILE OF THE MUNSIF COURT, KOZHIKODE.
- P5 - TRUE COPY OF THE COUNTER AFFIDAVIT DT. 11.11.2013 IN IA.4440/2013 IN OS. 754/2013 FILED BY THE DEFENDANTS.
- P6 - TRUE COPY OF THE PLAN AND SKETCH SUBMITTED BY ADVOCATE COMMISSIONER, DT. 15.11.2013.
- P7 - TRUE COPY OF THE ORDER DT. 04.12.2013 IN IA. 4440/13 IN OS. 754/2013 OF THE MUNSIF COURT, KOZHIKODE.
- P8 - TRUE COPY OF THE JUDGMENT DT. 15.11.2014 IN CMA. 3/2014 OF THE DISTRICT COURT, KOZHIKODE.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(C) No.92 of 2015
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Dated this the 8th day of July, 2015

J U D G M E N T

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Heard learned Senior Counsel for the petitioner
and learned counsel for the respondent.

2. On hearing both sides, it seems that the OP can
be disposed of by giving a direction to the court below to
remove the case from the list at present and to include the
suit in the list of next month. The court below shall dispose
of the suit quite untrammelled by any of the observations
made by the court below in the order in IA relating to
temporary injunction and also the judgment passed by the
appellate court in the CMA.

O.P.(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/07

// True Copy //

PA to Judge