

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 116 of 2015 (O)

**AGAINST THE PLAINT IN OS 368/2012 of MUNSIFF'S COURT, SASTHAMKOTTA
DATED 11-12-2012.**

PETITIONER(S):

**P.K GOPINATHAN NAIR, AGED 71 YEARS,
SON OF LATE PARAMESHWARAN PILLAI, RESIDING AT 3/636,
JAYA VIHAR, THURUTHIKARA P.O., KOLLAM DISTRICT-690 540.**

BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR.

**SRI.P.GOPINATH.
SRI.P.BENNY THOMAS.
SRI.K.JOHN MATHAI.
SRI.JOSON MANAVALAN.
SRI.KURRYAN THOMAS.**

RESPONDENT(S):

**PRABALAKUMARI, AGED 50 YEARS,
DAUGHTER OF LATE SARASWATHI PILLAI,
RESIDING AT VRINDHAVANAM, PORUVAZHY P.O.,
KOLLAM DISTRICT-690 520.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 05-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 116 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE PLAINT DATED 11.12.2012 IN
 O.S.NO.368/2012 ALONG WITH THE LIST OF DOCUMENTS ON
 THE FILE OF THE MUNSIFF'S COURT, SASTHAMKOTTA.**

**EXHIBIT-P2: TRUE COPY OF THE SALE DEED NO.453 OF 2011,
 SASTHAMKOTTA SUB REGISTRY DATED 3.2.2011.**

**EXHIBIT-P3: TRUE COPY OF THE DOCUMENT NO.941 OF 2011
 SASTHAMKOTTA SUB-REGISTRY DATED 9.3.2011.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A TO JUDGE

amk

A.HARIPRASAD, J.

O.P (C) No.116 of 2015

Dated this the 5th day of February, 2015.

J U D G M E N T

This Court as per order dated 15-01-2015 directed the Munsiff, Sasthamkotta to intimate the stage of the original suit O.S No.368/2012.

2. Report dated 22-01-2015 is placed before this Court. Learned Munsiff has submitted that O.S No.368/2012 is filed to evict the defendant from the plaint schedule building and to recover possession of the same. The defendant in the suit was set exparte on 10-11-2014. Thereafter, the case was posted to 20-01-2015 for payment of balance court fee and for evidence on the side of the plaintiff. Before that date, the defendant filed an interlocutory application for setting aside the exparte order and he filed a written statement along with a petition. Then the case was adjourned to 23-02-2015 for verification. The learned Munsiff stated that he is functioning as Munsiff-Magistrate and

the court is having heavy pendency. Considering the nature of the suit and the pressing need put forward by the petitioner, I direct that the Munsiff shall dispose of the case as expeditiously as possible, at any rate within a period of eight months as sought by him.

The original petition disposed of accordingly.

All pending interlocutory applications will stand dismissed.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

//True copy//

P.A to Judge