

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

OP(C).No. 148 of 2015 (o)

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OS 349/2011 OF SUB COURT, PATHANAMTHITTA.
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PETITIONER:

**STANLEY MATHEW,
MANNADIYIL HOUSE, PALLIPADU,
ALAPPUZHA.**

**BY ADVS.SRI.R.KRISHNA RAJ
SRI.BIJITH S.KHAN**

RESPONDENT(S):

- 1. M.V.JOSHUA, MALAYILTHAZHETHIL HOUSE,
PAKKIL MURI, NATTAKOM, KOTTAYAM - 686 001.**
- 2. M.V.SOLOMON, MALAYILTHAZHATHIL HOUSE,
PAROTTUKONAM, ULLOOR VILLAGE,
THIRUVANANTHAPURAM - 695 001.**
- 3. M.V.SOSMMA, MANNADIYIL HOUSE,
PALLIPADU, ALAPPUZHA - 688 001.**
- 4. BABU MATHEW, THEKKENADAVELIL HOUSE,
VENMONY P.O., CHENGANNOOR-689509.**
- 5. LEELA LAL, ARACKAMANNIL KOCHUTHUNDIL,
NARANAMMOOZHI, RANNI, PERINADU,
PATHANAMTHITTA - 689711.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

P.BHAVADASAN, J.

O.P.(C) No.148 of 2015

Dated this the 19th day of January, 2015

J U D G M E N T

The limited prayer in this original petition filed under Article 227 of the Constitution of India is for a direction to the Sub Court, Pathanamthitta to take up O.S.No.349/2011 pending before it and dispose it of at the earliest.

2. The petitioner is the second defendant in the suit which is one for partition. The petitioner points out that the pleadings are complete and the matter could be listed for trial and since the matter is getting delayed, it is causing irreparable loss and injury to him as the plaintiff is in actual possession of the property and he is deprived of the share as well as possession of the property to which he is entitled.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondent is unnecessary because none of his rights are affected.

This petition is allowed and Sub Court, Pathanamthitta is directed to take up O.S.No. 349/2011 pending before it and dispose it of as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment, provided, no I.A.s are pending for consideration before it.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge