

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

OP(C).No. 186 of 2015 (O)

(O.S.No.188/2006 OF MUNSIFF COURT, KATTAPPANA)

PETITIONER:

VINCENT SCARIA, AGED 40 YEARS,
S/O.SCARIA, RESIDING AT KOLLAMPARAMBIL HOUSE,
NEDUMKANDAM KARA, KALKOONTHAL VILLAGE
UDUMBANCHOLA TALUK.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMAR
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS:

1. FR.VINOD, CSI CHURCH,
NEDUMKANDAM KARA, KALKOONTHAL VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT - 685 554.
2. ANNAMMA SCARIA,
W/O.VINCENT SCARIA, RESIDING AT KOLLAMPARAMBIL HOUSE
NEDUMKANDAM KARA, KALKOONTHAL VILLAGE,
UDUMBANCHOLA TALUK, IDUKKI DISTRICT - 685 554.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 186 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

- P1- TRUE COPY OF THE ORDER DTD. 11.12.2014 IN E.A.NO.6 OF 2012 IN E.P.No.30 OF 2011 IN O.S.No.188 OF 2006 OF THE MUNSIFF'S COURT, KATTAPPANA.
- P2- TRUE COPY OF APPEAL MEMORANDUM DTD. 19.01.2015 IN A.S.NO.1 OF 2015 OF THE SUBORDINATE JUDGE'S COURT, KATTAPANA.
- P3- TRUE COPY OF I.A.No.56 OF 2015 IN A.S.No.1 OF 2015 DTD. 19.01.2015 OF THE SUBORDINATE JUDGE'S COURT, KATTAPANA.
- P4- TRUE COPY OF I.A.No.57 OF 2015 IN A.S.No.1 OF 2015 DTD. 19.01.2015 OF THE SUBORDINATE JUDGE'S COURT, KATTAPANA.

RESPONDENT(S)' EXHIBITS: NIL.

//True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.186 OF 2015

Dated this the 21st day of January, 2015.

J U D G M E N T

This original petition is filed seeking a direction to the Sub Court, Kattappana to take up Exts.P3 and P4 petitions and dispose of them on merits and till then keep the execution proceedings before the Munsiff Court, Kattappana pending.

2. The petitioner is not a party to the suit namely, O.S.No.188/2006 in which decree has been passed in favour of the defendant who filed counter claim in the suit. That suit was dismissed.

3. The grievance of the petitioner is that while executing the decree for fixation of boundary, a portion of his property which is not the subject matter of the about suit is taken and he filed an application pointing out the same before the court below and that was dismissed. He points out that he had filed an appeal before the appellate court and since there is a delay of four days in filing the appeal, he filed a petition to condone delay

and also a petition for stay. The petitioner prays for a direction to dispose of those petitions and also keep in abeyance the execution proceedings for some time.

3. After having heard the learned counsel for the petitioner, it is felt that since no prejudice will be caused to the respondents, the petition can be allowed.

This petition is allowed. Sub Court, Kattappana is directed to take up Exts.P3 and P4 petitions and dispose of them on merits as expeditiously as possible and execution proceedings in O.S.No.188/2006 before the Munsiff Court, Kattappana shall be kept in abeyance for a period of three weeks.

Sd/-

P.BHAVADASAN
JUDGE

smp