

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

OP(C).No. 197 of 2015 (O)

I.A. NO.1866/2014 IN O.S. NO.7/2008 OF FIRST ADDL SUB COURT, ERNAKULAM.
.....

PETITIONER(S):

**GEORGE, S/O.LUKOSE, AGED 64 YEARS,
THATHANATTU HOUSE, THIRUVANKULAM,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.MATHEW KURIAKOSE.

RESPONDENT(S):

- 1. KUNJUKUTTY AMMA, D/O.LAKSHMI AMMA,
AGED 83 YEARS, CHERRULLIL KONATTU HOUSE,
THIRUVANKULAM-682 305.**
- 2. ARAVINDAKSHA MENON, S/O.KUNJUKUTTY AMMA,
AGED 59 YEARS, CHERRULLIL KONATTU HOUSE,
THIRUVANKULAM-682 305.**
- 3. REGHUNATHA MENON, S/O.KUNJUKUTTY AMMA,
AGED 52 YEARS, CHERRULLIL KONATTU HOUSE,
THIRUVANKULAM-682 305.**
- 4. CHANDRAN, S/O.KUNJUKUTTY AMMA, AGED 52 YEARS,
CHERRULLIL KONATTU HOUSE, THIRUVANKULAM-682 305.**
- 5. GOPALAKRISHNAN, S/O.KUNJUKUTTY AMMA,
AGED 43 YEARS, CHERRULLIL KONATTU HOUSE,
THIRUVANKULAM-682 305.**
- 6. INDIRA, D/O.KUNJUKUTTY AMMA, AGED 58 YEARS,
CHERRULLIL KONATTU HOUSE, THIRUVANKULAM-682 305.**
- 7. SANTHA, D/O.KUNJUKUTTY AMMA, AGED 57 YEARS,
CHERRULLIL KONATTU HOUSE, THIRUVANKULAM-682 305.**
- 8. SYAMALA, D/O.KUNJUKUTTY AMMA, AGED 56 YEARS,
CHERRULLIL KONATTU HOUSE, THIRUVANKULAM-682 305.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-01-2015,
ALONG WITH OP(C).NO.206 OF 2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1: TRUE COPY OF THE AFFIDAVIT AND APPLICATION
DATED 09.04.2014 IN I.A.NO.1866/2014 IN O.S.NO.7/2008 ON
THE FILES OF THE FIRST ADDL. SUB COURT, ERNAKULAM.**

**EXHIBIT-P2: TRUE COPY OF THE COUNTER AFFIDAVIT DATED 30.06.2014 IN
I.A.NO.1866/2014 IN O.S.7/2008 ON THE FILES OF THE
FIRST ADDL. SUB COURT, ERNAKULAM.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.BHAVADASAN, J.

Original Petition (Civil) Nos.197 & 206 OF 2015

Dated this the 23rd day of January, 2015.

J U D G M E N T

Strange are the ways of court. A petition namely, Ext.P1 to which no serious objection was raised by the respondent before the court below has been kept pending for more than eight months driving him to this Court with a prayer to allow that petition and then direct the court below to dispose of the suit as expeditiously as possible.

2. In the nature of the relief sought for by the petitioner and in the nature of the order that is proposed to be passed by this Court, it is felt that no right of the respondents is affected or no order prejudice to them is being passed since in fact what the petitioner wants is what the respondents also actually wanted before the court below.

These original petitions are allowed. Ext.P1 application in both the petitions shall stand allowed and it is directed that suit shall be taken back by the court concerned and it shall be

disposed of as expeditiously as possible, at any rate, on or before 30.06.2015. The court below is also directed to ensure that no opportunity is denied to either of the parties to adduce evidence in their favour.

Sd/-

**P.BHAVADASAN
JUDGE**

smp