

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. 201 of 2015 (O)

(Against the order in I.A 2673/2014 dtd. 5.11.14 in AS 117/2014 of
Principal Sub Court, Irinjalakuda)

PETITIONERS/RESPONDENTS 2 & 3:

1. INDIRA, W/O.KASIVALAPPIL MADHU, D/O.KADAVIL RAGHAVAN,
KATTOOR VILLAGE AND DESOM, MUKUNDAPURAM TALUK.
2. RAVEENDRAN,
S/O.KADAVIL RAGHAVAN, KATTOOR VILLAGE AND DESOM
MUKUNDAPURAM TALUK.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS/PETITIONERS:

1. SAJEEV
S/O.POKKARUPARAMBIL SREEDHARAN, THANISSERY DESOM,
MANAVALASSERY VILLAGE, MUKUNDAPURAM TALUK,
NOW RESIDING AT ILLIKKAD DESOM,
KATTOOR VILLAGE-680121.
2. SABITHA
W/O. POKKARUPARAMBIL SAJEEV, DO...DO.....DO. DO.....
3. HEMACHANDRAN,
S/O.KASIVALAPPIL BHASKARAN,
KATTOOR VILLAGE AND DESOM, MUKUNDAPURAM TALUK-680121.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 201 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXT P1: TRUE COPY OF THE JUDGMENT IN OS.952/2011 OF MUNSIFF COURT AT IRIRNJALAKUDA DTD. 15.7.14.

EXT P2: TRUE COPY OF THE ORDER IN IA.4764/2014 IN OS.3657/2014 OF MUNSIFF COURT AT IRINJALAKUDA DTD. 21.10.14.

EXT P3: TRUE COPY OF ORDER IN IA.2673/2014 IN AS 117/2014 OF THE PRINCIPAL SUB COURT AT IRIINJALAKUDA DTD. 5.11.14.

RESPONDENT(S)' EXHIBITS: NIL

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.201 OF 2015

Dated this the 23rd day of January, 2015.

J U D G M E N T

The limited prayer in this original petition under Article 227 of the Constitution of India is for a direction to the Principal Sub Court, Irinjalakuda to take up A.S.No.117/2014 pending before that court and dispose of it on merits as expeditiously as possible.

2. The petitioners successfully resisted a suit in a claim for pathway from which no appeal was filed by the defeated plaintiffs. Subsequently, when there was violation of their rights in respect of another portion of property, they filed O.S.No.3657/2014. In the said suit, I.A.No.4764/2014 was filed for interim relief. That was disposed of by Ext.P2 order.

3. The case put forward by the petitioners before the trial court in I.A.No.4764/2014 was found in their favour and an order was passed to that effect. However, in Ext.P2 it was made clear

that the order will be subject to the decision in A.S.No.117/2014.

4. The present grievance of the petitioners is that in A.S.No.117/2014 even after the petitioners had entered appearance and appraise the court below of various aspects including dismissal of the earlier suit and also interim injunction in their favour, the court below without applying its mind ordered status quo which would enable the appellants before the court below to use the pathway which they are not entitled in law and which was found against them in the suit.

5. Be that as it may, the present grievance of the petitioners is that there may be a direction to the Principal Sub Court, Irinjalakuda to take up A.S.No.117/2014 and also CMA No.31/2014 filed against Ext.P2 order in I.A.No.4764/2014.

6. After having given anxious consideration to various aspects, since in the light of the order that is proposed to be passed, no prejudice is caused to the respondents, it is felt that notice to the respondents is unnecessary.

This original petition is disposed of directing the Principal Sub Court, Irinjalakuda to take up A.S.No.117/2014 and

CMA No.31/2014 and dispose of them as early as possible, at any rate, before the closure of the court for summer vacation.

Sd/-

P.BHAVADASAN
JUDGE

smp