

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

OP(C).No. 228 of 2015

IA.NO.934/2014 IN O.S.NO.647/1995 OF 2ND ADDITIONAL SUB, COURT KOZHIKODE.

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PETITIONER:

**S.BRAHMANAD, AGED 52 YEARS,
S/O.LATE K.N.SREEHARA SHENOI,
RESIDING AT KASABA AMSOM AND DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 001.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE**

RESPONDENT(S):

- 1. SURESH, S/O.VARADA RAJA BHAT,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 001.**
- 2. R.NARAYANA BHAT, S/O.RAGHAVA BHAT,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 001.**
- 3. LALITHA, AGED 76, W/O.RAJAN, RESIDING AT NO. 7,
RAJARAJESWARI NAGAR, PONDICHERRY - 605 511.**
- 4. GEETHA, NO.3, PLAY GROUND VIEW STREET,
NANDANAM EXTENSION, CHENNAI - 600 035.**
- 5. USHA, NO.139, AURABINDO STREET,
PONDICHERRY - 605 501.**
- 6. SUNITHA, D/O.LATE VARADA RAJA BHAT,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 001.**
- 7. GANESH, S/O.LATE VARADA RAJA BHAT, IN -DO- -DO-**

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8. SARITHA, D/O.LATE VARADA RAJA BHAT,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK, KOZHIKODE DISTRICT - 673 001.
9. MANJUNATH, S/O.LATE VARADA RAJA BHAT, IN DO- -DO-
10. GIRISH, S/O.LATE VARADA RAJA BHAT, IN -DO- -DO-

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mbr/

APPENDIX

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EXT.P1: DATED 10/02/2014 - A TRUE COPY OF I.A.NO. 934 OF 2014 IN O.S.NO. 647 OF 1995 ON THE FILE OF THE IIND ADDITIONAL SUBORDINATE JUDGE'S COURT, KOZHIKODE.

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.BHAVADASAN, J.

O.P.(C) No. 228 of 2015

Dated this the 28th 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 Subordinate Court, Kozhikode to take up O.S.No. 647/1995 and dispose all the interlocutory applications pending before the said court in that suit so as to give a finality to the matter.

2. The suit was one for specific performance which was ultimately decreed in favour of the plaintiff and all proceedings are complete except the delivery of the property. I.A.No. 934/2014 was moved by the petitioner for seeking delivery of the property. In the meanwhile, a claim petition was filed and is pending and few other petitions are also pending. The petitioner points out that it was with much difficulties that he got a decree for specific performance and much effort was put in to get it executed. Now what remains is the delivery of the property. That has

been postponed by filing petitions after petitions which are kept pending by the court below. Under such circumstances, it is prayed that there may be a direction to the court below to dispose of all the applications as expeditiously as possible within a time to be fixed by this Court.

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

This petition is disposed of directing the Subordinate Court, Kozhikode to take up I.A.No.934/2014 in O.S.No. 647/1995 and all other pending applications and dispose them of as expeditiously as possible in accordance with law, at any rate, before the summer vacation, provided, the parties co-operate.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge