

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. 229 of 2015 (O)

CMA. NO.21/2013 OF ADDITIONAL SUB COURT, THALASSERY.
.....

PETITIONER(S):

**1. UCHUMMAL MOHANAN,
S/O.YESODHA, AGED 57 YEARS.**

**2. UCHUMMAL VINODAN,
S/O.YESODHA, AGED 51 YEARS.**

**PETITIONERS 1 AND 2 ARE RESIDING AT PUTHIYAPARAMBAN HOUSE,
DHARMADAM AMSOM, PALAYAD DESOM, P.O. PALAYAD,
THALASSERY TALUK, KANNUR DISTRICT.**

**3. UCHUMMAL LEELA,
D/O.KORUMBI, LEGEND, PINARAYI AMSOM,
PADANNAKKARA DESOM, KANATHAYIMUKKU ROAD,
THALASSERY TALUK, KANNUR DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT(S):

1. C.V. KALLYANI, W/O.KRISHNAN, AGED 80 YEARS.

2. C.V. RAMESHAN, S/O.KALLYANI, AGED 50 YEARS.

3. C.V.SREEDHARAN, S/O.KALLYANI, AGED 52 YEARS.

**ALL RESPONDENTS ARE RESIDING AT PILAKKANDIYIL,
PINARAYI AMSOM, PADANNAKKARA DESOM, P.O. PINARAYI,
THALASSERY TALUK, KANNUR DISTRICT-670 101.**

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

rs.

OP(C).No. 229 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT IN ORIGINAL SUIT NUMBER 96/2012 OF THE COURT OF THE MUNSIF OF THALASSERY.
- EXT.P2 COPY OF THE MEMORANDUM OF APPEAL IN CIVIL MISCELLANEOUS APPEAL NO.21/2013 OF THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE OF THALASSERY.
- EXT.P3 COPY OF THE REPORT OF THE ADVOCATE COMMISSIONER ALONG WITH A SURVEY PLAN IN ORIGINAL SUIT NUMBER 96/2012 OF THE COURT OF THE MUNSIF OF THALASSERY.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.BHAVADASAN, J.

O.P.(C) No. 229 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 is for a direction to the Additional Subordinate Court, Thalasseri to take up C.M.A. No. 21/2013 and dispose it of on merits as expeditiously as possible.

2. The petitioner as a plaintiff instituted a suit for injunction in which he moved an interlocutory application for temporary injunction. Unfortunately for the petitioner, that petition was dismissed on the ground that the property has not been identified. The petitioner points out that a Commission has taken out and he has submitted a report and plan dated 11.09.2013. In the meanwhile, he has filed C.M.A.No. 21/2013 against the order dismissing the interlocutory application. The petitioner prays that the pendency of the petition causes irreparable loss and injury to the petitioner. The petitioner points out that in the light

of the fact that the Commissioner's report is now available, there may be a direction to the court concerned to dispose of the appeal as expeditiously as possible.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This petition is disposed of directing the Additional Subordinate Court, Thalasseri to take up C.M.A. No. 21/2013 and dispose it of on merits in accordance with law and in the light of what has been stated above and taking note of the Commissioner's report, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge