

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

OP(C).No. 232 of 2015 (O)

OS 119/2010 of MUNSIF COURT, CHAVAKKAD

PETITIONER(S):

ESSENTAIL CONSTRUWELL INDIA (P) LTD,
REGD. OFFICE AT 10 RADHA NAGARI, ROW HOUSES
TRIMBAK ROAD
NASIK 422 007 REP. BY EXECUTIVE DIRECTOR
MRS. SHILPA MENON, AGED 52 YEARS, 10 RADHA NAGARI
ROW HOUSES, TRIMBAK ROAD, NASIK 422 007.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. KESHAVAM, PARTNERSHIP FIRM
REP. BY MANAGING PARTNER, K.P.RAVISANKAR
REP. BY POWER OF ATTORNEY HOLDER RATHEESH BABU
S/O.BHARATHAN, PARUTHIPPULLY, P.O. KOTTAYI
PALAKKAD DISTRICT-679001.
2. SATISH MENON, AGED 53 YEARS,
S/O.MAMBALLIKALATHIL LAKSHMI AMMA, MAHALAKSHMI
PATTURAICKAL , THIRUVAMBADY P.O, THRISSUR-680001.
3. KOYAMEDATH PUTHEN VEETIL RAVISANKAR,
REP. BY POWER OF ATTORNEY HOLDER
KUNNATH PUTHEN VEETIL RATHEESH BABU, S/O.BHARATHAN
PARUTHIPPULLY P.O., KOTTAYI, PALAKKAD DISTRICT-679001.
4. P.K.BALACHANDRAN, AGED 52 YEARS,
S/O.KESAVAN NAIR, PADIKKAL VEETIL HOUSE
KUMARAPPANAD DESOM, VARAVOOR VILLAGE
THALAPPILLY TALUK, THRISSUR DISTRICT-680001.

PJ

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5. C.MUKUNDAN MENON, AGED 61 YEARS,
S/O. CHANDRASEKHARA MENON, SANKAR VIHAR, GANDHI JUNCTION
KATTUSSERY DESOM, ALATHUR VILLAGE, TALUK
PALAKKAD-679001.

6. V.M.RADHAKRISHNAN
S/O.VELAYUDDHAN NAIR, NINITHA DPO ROAD, YAKKARA
PALAKKAD DISTRICT-679001.

BY ADV.SRI.BABU KARUKAPADATH

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1: COPY OF THE PLAIN IN OS.NO.119 OF 2010 ON THE FILE FO THE
MUNISFF COURT, CHAVAKKAD**
- EXT P2: COPY OF THE JUDGMENT IN OS. NO.119 OF 2010 DATED 31.08.2011 ON
THE FILE OF THE MUNSIF COURT, CHAVAKKAD**
- EXT P3; COPY OF THE JUDGMENT DATED 14.01.2015 OF THIS HONOURABLE
COURT IN CRP.4/2015**
- EXT P4: COPY OF IA.599/2015 DATED 15/1/15 IN OS. 119/2010 ON THE FILE OF
THE MUNSIF COURT CHAVAKKAD**
- EXT P5: COPY OF THE ORDER DATED 15.01.2015 IN IA. 599/2015 ON THE FILE
OF THE MUNSIF COURT CHAVAKKAD**
- EXT P6: COPY OF THE JUDGMENT DATED 16.01.2015 OP.134/2015 OF THIS
HONOURABLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. BHAVADASAN, J.

O.P.(C) No. 232 of 2015

Dated this the 30th day of January, 2015.

JUDGMENT

Under challenge is Ext.P5 order whereby the court below declined to adjourn the matter for further hearing since there was no stay from this Court and from the Apex Court.

2. Shri. Sreekumar G., learned counsel appearing for the petitioner pointed out that the petitioner has already approached the Apex Court and according to his information, the SLP is coming up for consideration on 15.2.2015. He, therefore, prays that further proceedings in the suit may be continued after the said date.

3. Shri. Babu Karukapadath, learned counsel appearing for the respondents, very strongly opposed the prayer and points out that the construction needs to be completed on 31.1.2016 going by the provisions of the Municipalities Act. Any delay in starting the construction

would be detrimental to the interests of the persons who have applied for flats in the construction to be made by the respondents.

4. Shri. Sreekumar G. pointed out that the clause which stipulates nine years' period is no longer there and that embargo is no longer in the statute book. Whatever that be, all that the petitioner now sought for is only a short adjournment of the further proceedings in the suit till 15.2.2015, on which date the matter is posted for hearing before the Apex Court.

5. Even though this Court was inclined to dismiss the C.R.P., since an SLP has already been filed, it is only just and proper that some time may be granted to the petitioner to have his grievances vindicated before the Apex Court. After having given anxious consideration to the various aspects, it is felt that further proceedings in the suit shall be adjourned till 18.2.2015.

This Original Petition is disposed of directing the court below to keep in abeyance the further proceedings in O.S. 119 of 2010 till 18.2.2015.

sb.

P. BHAVADASAN,
JUDGE