

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 239 of 2015 (O)

OS 3132/2008 OF FIRST ADDITIONAL MUNSIF COURT, THRISSUR
.....

PETITIONER(S):

1. NANDAN,
S/O. PARANKUTTY, NELLIPARAMBIL HOUSE,
WADAKKUMMURY VILLAGE, THRISSUR TALUK.
2. HARIDAS,
S/O. PARANKUTTY, NELLIPARAMBIL HOUSE,
WADAKKUMMURY VILLAGE, THRISSUR TALUK.

BY ADV. SRI.C.A.ANOOP

RESPONDENT(S):

1. THANKA BHASKARAN
W/O. CHULLIPARAMBIL MOHANAN, KANJANI DESOM,
MANDOOR VILLAGE, THRISSUR TALUK - 680 541.
2. GOWRI MOHANAN,
W/O. CHULLIPARAMBIL MOHANAN, KANJANI DESOM,
MANDOOR VILLAGE, THRISSUR TALUK - 680 541.
3. SURENDRAN,
H/O. LATE VILASINI, CHULLIPARAMBIL HOUSE,
ANTHIKAD VILLAGE DESOM, THRISSUR TALUK - 680 641.
4. BINDU ASOKAN,
W/O. ASOKAN, ELTHURUTH, KARYATTUKARA VILLAGE,
THRISSUR TALUK - 680 641.
5. SINDHU BALAN,
D/O. SURNDRAN, W/O. CHERTHEDATH DEVADAS, ANTHIKAD,
THRISSUR TALUK - 680 641.
6. SMITHA NARENDRAN,
D/O. SURENDRAN, W/O. THANDIYEKKAL SURENDRAN, ANTHIKKAD,
THRISSUR TALUK - 680 641.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 239 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : TRUE COPY OF THE PRELIMINARY DECREE IN OS 3132/2008 DTD.5.8.2009
PASSED BY THE COURT OF THE 1ST ADDITIONAL MUNSIFF OF THRISSUR.

EXT. P2 : TRUE COPY OF THE COMMISSIONER'S REPORT IN IA 10465/2009 IN
OS NO.3132/2008.

EXT. P3 : TRUE COPY OF THE FINAL DECREE ORDER IA 10465/2009 IN
OS NO.3132/2008.

EXT. P4 : TRUE COPY OF THE IA 9601/2012 IN IA 10465/2009 IN OS NO.3132/2008.

EXT. P5 : TRUE COPY OF THE INTERIM APPLICATION NO.12054/14 IN OS 3132/2008.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.BHAVADASAN, J.

O.P.(C) No. 239 of 2015

Dated this the 05th day of February, 2015

J U D G M E N T

In a suit for partition, the petitioners remained exparte and preliminary decree happened to be passed. While the final decree proceedings were moved, it was realized by the petitioners that their shares have not been declared in the preliminary decree and therefore they were not entitled to allocation of share in the final decree. That made the petitioners to move two interlocutory applications before the court below namely Ext.P4 and Ext.P5 which are i.e. I.A.No. 9601/2012 in I.A.No.10465/2009 in O.S.No. 3132/2008 and I.A.No.12054/2014 in O.S.No. 6465/2008 to set aside the exparte decree and also to pass supplementary preliminary decree declaring the shares of the petitioners so that they can get allocation of the property in the final decree.

2. The grievance is that those petitions have been kept pending and no orders have been passed thereby

jeopardizing the right of the petitioner. The only prayer made in this original petition is for a direction to the First Additional Munsiff Court, Thrissur to dispose of those petitions at the earliest within a time frame 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 First Additional Munsiff Court, Thrissur to take up the two interlocutory applications mentioned above and dispose them of as expeditiously as possible, after hearing both sides, in accordance with law, 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