IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

OP(C).No. 248 of 2015 (O)

O.S.No.363/2013 OF MUNSIFF'S COURT, PARAPPANANGADI

PETITIONER :-

MUHAMMEDKUTTY, S/O.SEETHI HAJI,
AGED 58 YEARS,
RESIDING AT PARAMMAL KOLLERI HOUSE,
VAZHAYOOR.P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.HARISH R. MENON
SRI.K.T.SHYAMKUMAR

RESPONDENTS :-

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1. **AMINA, W/O.HASSANKOYA HAJI,**
   RESIDING AT KARIMPANAKKAL VALLIKATTIL,
   VIA KUZHIMANNA, VILAYIL.P.O.,
   MALAPPURAM DISTRICT, PIN - 673 638.

2. **ABDUL NAZAR, S/O.SEETHI HAJI,**
   RESIDING AT ACHUKALAM PARAMBU,
   FAROOQ COLLEGE, MALAPPURAM - 673 637.

3. **ABDUL SAMATH, S/O.SEETHI HAJI,**
   RESIDING AT PARAMMAL KOLLERI HOUSE,
   VAZHAYOOR.P.O., MALAPPURAM DISTRICT,
   PIN - 673 637.

4. **FATHIMA, W/O.MUHAMMED MANGATTUPARAMBAN,**
   AMINANGATTUCHALIL,
   P.O.OMANUR, VIA CHERUVAYUR,
   KOZHIKODE, PIN - 673 637.

5. **KADHEEJA, W/O.MUHAMMED ABDU RAHIMAN,**
   RESIDING AT AMBAYATHINGAL THODI,
   P.O.PULLIPARAMBU, VIA CHELEMBRA,
   MALAPPURAM DISTRICT - 673 633.

6. SAINABA, W/O.CHENNIYAN SAIDH,
UNNIYALUNGAL PARAMBU VEEDU,
P.O., CHELEMBRA, RAMANATTUKARA,
MALAPPURAM DISTRICT, PIN - 673 637.

7. AYISHA, D/O.SEETHI HAJI,
RESIDING AT PARAMMAL KOLLERI HOUSE,
VAZHAYOOR.P.O., KAKOVU,
MALAPPURAM DISTRICT - 673 633.

8. SAFIYA, W/O.PAROL ABDUL AZZEZE,
WESTERN INSTITUTE OF SPOKEN ENGLISH,
BUS STAND BUILDING, RAMANATTUKARA,
MALAPPURAM DISTRICT - 673 633.

9. IYATHUMMA HAJUMMA,
W/O.KOLLERI SEETHIHAJI,
KOLLERI VEEDU, KAKOVU,
VAZHAYUR.P.O., MALAPPURAM DISTRICT - 673 633.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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OP(C).No. 248 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :-

EXHIBIT P1 :- TRUE COPY OF THE WRITTEN STATEMENT SUBMITTED BY RESPONDENT NO.1.

EXHIBIT P2 :- A TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE 5TH RESPONDENT.

EXHIBITP3 :- A TRUE COPY OF THE PLAN AND REPORT OF THE COMMISSIONER.

RESPONDENT(S)' EXHIBITS :- NIL

//TRUE COPY//

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P.A. TO JUDGE

P.BHAVADASAN, J.

O.P.(C) No. 248 of 2015

Dated this the 29th day of January, 2015

JUDGMENT

Limited prayer in this writ petition under Article 227 of Constitution of india is for a direction to Munsiff's Court, Parappanangadi to take up O.S.No.363/2013 pending before that court and dispose of it as early as possible.

2. The suit is one for partition in which it is pointed out by the petitioner that pleadings are complete and issues have been raised. Even though the grievance of the first respondent is not against the partition, as such he set up a contention that reservation in respect of the house is not allowable. It is pointed out by the learned counsel for the petitioner that subsequently the case is posted for pre-trial steps and there have been several postings thereafter.

3. Petitioner prays that there may be a direction to the court below to dispose of the suit as expeditiously as possible.

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

5. In the light of the submission made by the learned counsel for the petitioner, there is no reason as to why the matter should not be directed to be disposed of as expeditiously as possible.

This petition is disposed of directing the Munsiff Court, Parappanangadi to take up in O.S.No.363/2013 as early as possible and dispose of it as exepeditiously as possible, at any rate, before the closure of the court for summer vacation. This order will not preclude the court below from considering the petitions pending before it.

Sd/-
P.BHAVADASAN
JUDGE

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//TRUE COPY//

P.A. TO JUDGE