

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

OP(C).No. 250 of 2015 (O)

(AGAINST THE ORDER IN OS 184/2013 of MUNSIFF COURT, HARIPAD DATED)

PETITIONER/PLAINTIFF:-:

JAYADEV, AGED 35 YEARS,
S/O.GOPALAKRISHNA PILLAI, J.V.NILAYAM,
THULAMPARAMBU THEKKUM MURI, HARIPPAD VILLAGE,
KARTHIKAPPALLY TALUK.

BY ADVS.SMT.MINI GANGADHARAN
SRI.N.C.SAJUNAM
SRI.RAJEEV RAJADHANI

RESPONDENTS/DEFENDANTS:-:

1. REGHUNATHAN NAIR, AGED 56 YEARS,
S/O.RAMAKRISHNA PILLAI, VALYAKUZHI MURI,
CHEPPAD VILLAGE, KARTHIKAPPALLY TALUK, PIN - 690 507.
2. SREEDEVI, AGED 53 YEARS,
W/O.REGHU NATHAN NAIR, 56 YEARS,
S/O.RAMAKRISHNA PILLAI
VALYAKUZHI MURI, CHEPPAD VILLAGE, KARTHIKAPPALLY TALUK,
PIN - 690 507.
3. SREE RENJITH, AGED 29 YEARS,
S/O.REGHU NATHAN NAIR, 56 YEARS,
S/O.RAMAKRISHNA PILLAI,
VALYAKUZHI MURI, CHEPPAD VILLAGE, KARTHIKAPPALLY TALUK
PIN - 690 507.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 250 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT P1. COPY OF PLAINT IN O.S.184/2013 OF THE MUNSIFF'S COURT, HARIPPAD
FILED BY THE PETITIONER.**

**EXHIBIT P2. COPY OF PLAINT IN O.S.NO.118/2013 OF THE MUNSIFF'S COURT,
HARIPPAD FILED BY R1.**

**EXHIBIT P3. COPY OF PLAINT IN O.S.NO.119/2013 OF THE MUNSIFF'S COURT,
HARIPPAD FILED BY R3.**

**EXHIBIT P4. COPY OF CMP NO:2289/2013 ON THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE'S COURT-II, HARIPPAD.**

EXHIBIT P5. COPY OF FIR IN CRIME NO.831/2013 OF HARIPPAD P.S.

**EXHIBIT P6. COPY OF THE FORGED A RENT DEED FOR A LONG SPAN OF 10 YEARS
IN THE NAME OF THE 1ST RESPONDENT.**

**EXHIBIT P7. COPY OF FAKE AGREEMENT TO THE EFFECT THAT RS.2 LAKHS IS
RECEIVED BY THE PETITIONER'S MOTHER FROM R3.**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.BHAVADASAN, J.

Original Petition (Civil) No.250 OF 2015

Dated this the 3rd day of February, 2015.

J U D G M E N T

This is a petition filed under Article 227 of the Constitution of India seeking a direction to the Munsiff Court, Haripad to take up O.S.No.184/2013 pending before the said court and dispose it of as early as possible.

2. The petitioner is the plaintiff in O.S.No.184/2013 who has sought eviction of the respondents-defendants in the suit from the plaint schedule property. The 1st respondent had instituted a suit as O.S.No.118/2013 before the Munsiff Court, Haripad against the plaintiff in O.S.No.184/2014 seeking permanent prohibitory injunction restraining the plaintiff from forcibly evicting the 1st respondent from the premises in question.

3. The complaint of the plaintiff in O.S.No.184/2013 is that even after the lapse of nearly two years, there has been no attempt from the side of the court below to insist that the defendants file written statement and the matter is being

unnecessarily dragged on. According to the petitioner, that caused considerable loss and injury to him and therefore expeditious disposal of the suit is absolutely necessary.

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

This original petition is disposed of directing the Munsiff Court, Haripad to take up O.S.No.184/2013 and insist that the defendants file written statement within a specified time and take such steps as are necessary and dispose of the suit as expeditiously as possible, at any rate, within a period of six months after raising of issues. In the meanwhile, if any of the parties file any petitions, that will also be considered.

Sd/-

**P.BHAVADASAN
JUDGE**

smp