

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. 273 of 2015 (O)

(I.A.NO.1824/2014 IN O.S.NO.499/2014 OF MUNSIFF'S COURT, KOTTAYAM)

PETITIONER/PLAINTIFF:

**JESSAMMA VARGHESE,
W/O.VARGHESE P.V., AGED 50 YEARS,
RESIDING AT CHACKALACKAL HOUSE,
PAMPADYKARA, PAMPADY VILLAGE, PAMPADY P.O.,
KOTTAYAM.**

**BY SRI.T.M.MUHAMMED YOUSEFF,SENIOR ADVOCATE
ADVS.SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.JOBI.A.THAMPI
SMT.ASHIFA YOUSEFF**

RESPONDENT(S)/DEFENDANTS:

- 1. THOMAS JOSEPH, S/O.JOSEPH,
PUTHUKULANGARA HOUSE, PANGADA P.O.,
PAMPADY, KOTTAYAM DISTRICT - 686 502.**
- 2. M.MATHEW, S/O. IPE MATHEW,
MURIKKATTU HOUSE, PANGADA P.O.,
PAMPADY, KOTTAM DISTRICT - 686 502.**

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

sts

OP(C).No. 273 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE SALE DEED NO. 2145/2003 OF PAMPADY SUB
 REGISTRY.**
- EXT.P2: TRUE COPY OF THE DECREE IN O.S.NO. 32/2002 BEFORE THE
 MUNSIFF'S COURT, KOTTAYAM.**
- EXT.P3: A TRUE COPY OF THE PLAINT IN OS.NO. 499/2014 BEFORE THE
 MUNSIFF'S COURT, KOTTAYAM.**
- EXT.P4: A TRUE COPY OF THE I.A.NO. 1824/2014 IN EXT.P3 PLAINT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.BHAVADASAN, J.

O.P.(C) No. 273 of 2015

Dated this the 03rd 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, Kottayam to take up I.A.No.1824/2014 in O.S.No. 499/2014 and dispose it of on merits.

2. The petitioner as plaintiff instituted O.S.No. 499/2014 which was a suit for permanent prohibitory injunction against the defendants from drawing pipe line and committing other mischiefs in the plaint schedule properties. Along with the suit, it is claimed that I.A.No.1824/2014, a copy of which is produced as Ext.P4 was filed on 14.07.2014 for interim relief. The grievance is that till date, the matter has not been heard and the interlocutory application is pending consideration. In the meanwhile, the Commissioner's report has already been filed and written

statement has been called for. The petitioner says that she will be put to irreparable loss and injury for non consideration of I.A. for interim relief and especially, in the light of the fact, according to the petitioner, that subsequently, there have been attempt to trespass into the property which jeopardizes the right of the petitioner.

3. In the nature of the order that is proposed to be passed and since no right of the respondents is prejudicially affected, it is felt that notice to the respondents is unnecessary.

4. This petition is allowed and the Munsiff Court, Kottayam is directed to take up I.A.No.1824/2014 in O.S.No. 499/2014 as early as possible and dispose it of as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment.

In the meanwhile, state of affairs as reported by the Commissioner shall be continued.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge