

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

OP(C).NO. 285 OF 2015 (O)

O.S. NO.4381/2014 OF ADDITIONAL MUNSIFF COURT, THRISSUR.

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PETITIONER(S):

- 1. MOHANDAS. P.A., AGED 55 YEARS,
S/O.PUSSERY APPUKUTTAN, KUTTUMUKKU DESOM,
VILVATTOM VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT.**
- 2. SREEJIT, S/O.NELLIPARAMBIL VIJAYAN,
KARIYATTUKARA DESOM, THRISSUR VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT.**

**BY SRI.T.A.SHAJI, SENIOR ADVOCATE.
ADVS.SMT.NAMITHA JYOTHISH,
SRI.V.VINCENT DIDACOSE.**

RESPONDENT(S):

- 1. SREE NARAYANA BHAKTHA PARIPALANAYOGAM,
KOORKKENCHERY DESOM AND VILLAGE,
THRISSUR TALUK, REPRESENTED BY PRESIDENT ,
M.K. SURYAPRAKASH, AGED 60, S/O.MUNDAPPATTI KUMARAN,
P.O. KANIMANGALAM, THRISSUR, PIN - 680 007.**
- 2. SREE NARAYANA BHAKTHA PARIPALANAYOGAM,
KOORKKENCHERY DESOM AND VILLAGE,
THRISSUR TALUK, REP. BY ITS PRESENT SECRETARY
A.K.MOHANDAS, AGED 65, S/O.AINIKUNNATH KUTTAN,
KOORKKENCHERY DESOM AND VILLAGE,
THRISSUR TALUK, PIN - 680 007.**

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

rs.

OP(C).NO. 285 OF 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P-1: TRUE COPY OF THE PLAINT DATED 04.07.2014 IN O.S.4381 OF 2014
OF THE 3RD ADDITIONAL MUNSIFF COURT, THRISSUR.

EXT.P-2: TRUE COPY OF THE ORDER DATED 23.09.2014 OF THE
3RD ADDITIONAL MUNSIFF COURT, THRISSUR IN I.A.13568/2014.

EXT.P-3: TRUE COPY OF THE JUDGMENT DATED 20.12.2014 IN
C.M.A. 156/14 OF DISTRICT JUDGE, THRISSUR.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.BHAVADASAN, J.

O.P.(C) No. 285 of 2015

Dated this the 02nd day of February, 2015

J U D G M E N T

This original petition under Article 227 is directed against the order in C.M.A.No.156/2014 which was directed against the order in I.A.No.13568/2014 in O.S.No.4381/2014 before the III Additional Munsiff Court, Thrissur.

2. The trial court, even though initially granted an order of status quo, after hearing both the parties, vacated the same. The plaintiff carried the matter in appeal as C.M.A.No. 156/2014. The appellate court confirmed the finding of the trial court.

2. The matter related to the construction in the property of the defendants. After evaluating the pros and cons, the appellate court concurred with the trial court that going by the facts and circumstances of the case, if an injunction is granted, it is likely that the respondents will be put to irreparable loss and injury than the petitioners and

the comparative hardship went in favour of the respondents. Finding so, even though the lower appellate court was of the opinion that there is a prima facie case in favour of the plaintiff but on other grounds, found against the appellants, dismissed the appeal.

3. On going through the judgments of the courts below, this Court finds no reason to interfere with the orders of the courts below.

4. The interest of the petitioner would however be served by directing the trial court to take up the suit and dispose it of as expeditiously as possible.

Therefore, this original petition is disposed of with a direction to the III Additional Munsiff Court, Thrissur to take up O.S.No.4381/2014 and dispose it of as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this judgment but this order will not preclude any I.A.s being considered and the suit may be disposed of untrammelled by any of the observations made

by the trial court or the appellate court or this Court while disposing of the interlocutory application.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge