

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

OP(C).No. 315 of 2015 (O)

AS. NO.104/2012 OF SUB COURT, NEYYATTINKARA.

.....

PETITIONER(S):

**REENA, AGED 31 YEARS,
D/O.DALLIBHAI, STAR HOME, MEKKOLLA DESOM,
KOLLAYIL VILLAGE.**

BY ADV. SRI.R.GOPAN.

RESPONDENT(S):

- 1. SHIJU, AGED 33 YEARS, KRISHNA NIVAS,
AMARAVILA P.O., NADOORKOLLA DESOM,
KOLLAYIL VILLAGE, THIRUVANANTHAPURAM DISTRICT-695 001.**
- 2. SHAJU, AGED 36 YEARS,
S/O.KRISHNAN, KRISHNA NIVAS, AMARAVILA P.O.,
NADOORKOLLA DESOM, KOLLAYIL VILLAGE,
THIRUVANANTHAPURAM DISTRICT-695 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : PHOTOCOPY OF THE DECREE IN OS.NO.553/2008 OF THE
PRINCIPAL MUNSIFF COURT, NEYYATTINKARA DATED 29-01-2010.
- EXT P2 : PHOTOCOPY OF THE FINAL DECREE AND PLAN PASSED BY THE
PRINCIPAL MUNSIFF COURT, NEYYATTINKARA DATED 29-02-2012.
- EXT P3 : PHOTOCOPY OF AS NO.130/2012 FILED BY 2ND RESPONDENT
BEFORE THE SUB COURT, NEYYATTINKARA DATED 30-11-2012.
- EXT P4 : PHOTOCOPY DELAY CONDONATION PETITION IN AS.NO.130/2012
FILED BY THE 2ND RESPONDENT BEFORE THE SUB COURT,
NEYYATTINKARA DATED 30-11-2012.
- EXT P5 : PHOTOCOPY OF AS.NO.104/2012 FILED BY THE 1ST RESPONDENT
BEFORE THE SUB COURT, NEYYATTINKARA DATED 03-09-2012.
- EXT P6 : TRUE COPY OF IA.NO.1105/2012 IN AS.NO.104/2012 FILED BY THE
1ST RESPONDENT BEFORE THE SUB COURT, NEYYATTINKARA
DATED 03-09-2012.
- EXT P7 : TRUE COPY OF E.P.NO.69/2013 FILED BY THE PETITIONER
BEFORE THE MUNSIFF COURT, NEYYATTINKARA
DATED 11-04-2013.
- EXT P8 : TRUE COPY OF ORDER DATED 15/12/2014 IN IA.NO.1105/2012 IN
AS.NO.104/2012 OF THE COURT OF THE SUB JUDGE,
NEYYATTINKARA.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. BHAVADASAN, J.

O.P.(C). No. 315 of 2015

Dated this the 4th day of February, 2015.

JUDGMENT

In a partition suit a preliminary decree was passed and then final decree was also passed. In the meanwhile, one of the respondents filed A.S. 104 of 2012 before Sub Court, Neyyattinkara.

2. Learned counsel for the petitioner points out that the suit is of the year 2008 and it is necessary that it is brought to an end at the earliest so that the parties can enjoy the fruits of the decree.

3. In the light of the order that is proposed to be passed in this Original Petition, it is felt that notice to the respondents is not necessary.

This Original Petition is disposed of directing Sub Court, Neyyattinkara to consider and dispose of A.S. 104 of 2012 as expeditiously as possible, at any rate, within five

months from the date of receipt of a copy of this judgment. It is made clear that if any petitions are pending, those petitions shall be considered before the disposal of the appeal.

sb.

P. BHAVADASAN,
JUDGE