

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 328 of 2015 (O)

O.S.NO.99/2008 OF SUB COURT, ATTINGAL

PETITIONER(S):

1. RAJAMMAL, AGED 85 YEARS,
W/O.LATE VELAYUDHAN CHETTIYAR, MELEVILA VEEDU,
NAGARoor VILLAGE, CHIRAYINKEEZHU TALUK.
2. SARASWATHY, AGED 58 YEARS,
D/O.LATE VELAYUDHAN CHETTIYAR,
CHARUVILA PUTHEN VEEDU, NEAR VENGODU LPS, CHAVARCODU,
CHIRAYINKEEZHU TALUK.
3. PRASAD, AGED 47 YEARS,
S/O.VELAYUDHAN CHETTIYAR, MELEVILA VEEDU,
CHEMMARUTHUMUKKU, NEAR PANCHAYATH OFFICE,
NAGARoor VILLAGE, CHIRAYINKEEZHU TALUK.
4. SAHADEVAN, AGED 41 YEARS,
S/O.LATE VELAYUDHAN CHETTIYAR,
CHARUVILA PUTHEN VEEDU, NEAR VENGODU LPS, CHAVARCODU,
CHIRAYINKEEZHU TALUK.

BY ADV. SRI.S.KRISHNA KUMAR (MANGALAM)

RESPONDENT(S) :

1. SREEKANTAN CHETTIYAR, AGED 62 YEARS,
S/O.LATE VELAYUDHAN CHETTIYAR, MELEVILA VEEDU,
CHEMMARUTHUMUKKU, NEAR PANCHAYATH OFFICE,
NAGARoor VILLAGE, CHIRAYINKEEZHU TALUK-695 601.
2. SREERAMAN, AGED 48 YEARS,
S/O.LATE VELAYUDHAN CHETTIYAR,
KOTTAVILA PUTHEN VEEDU, NEAR GOVT. H.S.S, VARKALA,
VARKALA VILLAGE, TRIVANDRUM DISTRICT-695 141.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 328 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** COPY OF JUDGMENT DATED 29.10.2011 IN O.S.NO.99/2008 OF THE SUBORDINATE JUDGE'S COURT, ATTINGAL.
- EXHIBIT P2:** COPY OF FINAL DECREE APPLICATION I.A.NO.755/12 DATED 02.04.2012 FILED BY PETITIONERS BEFORE SUB COURT, ATTINGAL.
- EXHIBIT P3:** COPY OF COMMISSION APPLICATION I.A.NO.756/12 DATED 02.04.2012 FILED BY PETITIONERS BEFORE SUB COURT, ATTINGAL.
- EXHIBIT P4:** COPY OF FINAL DECREE APPLICATION I.A.NO.1028/12 DATED 02.06.2012 FILED BY 1ST RESPONDENT BEFORE SUB COURT, ATTINGAL.
- EXHIBIT P5:** COPY OF COMMISSION APPLICATION I.A.NO.1029/12 DATED 02.06.2012 FILED BY 1ST RESPONDENT BEFORE SUB COURT, ATTINGAL.
- EXHIBIT P6:** COPY OF FINAL DECREE APPLICATION I.A.NO.681/13 DATED 23.03.2013 FILED BY 2ND RESPONDENT BEFORE SUB COURT, ATTINGAL.
- EXHIBIT P7:** COPY OF 4TH PAGE OF WWW.MANORAMAONLINE.COM/YUVA 8TH AUGUST, 2013, THURSDAY.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No.328 of 2015

Dated this the 05th day of February, 2015

J U D G M E N T

The short grievance voiced at the time of hearing this petition is that even though the Commissioner's report has been filed in the final decree proceedings, the matter is being simply adjourned for hearing the Commissioner's report thereby denying the petitioner, the fruits of the decree. He therefore seeks a direction to the court below to dispose of the matter as expeditiously as possible.

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

3. This petition is disposed of directing the court below to take up the final decree application in O.S.No. 99/2008 pending before it and dispose it of as expeditiously as possible, after disposing of the petitions pending before it for consideration in accordance with law, at any rate,

within a period of six months from the date of receipt of a copy of this judgment. This order will not disenable the court below from considering the petition pending or filed before it.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge