

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

OP(C).No. 395 of 2015 (O)

(OS 660/2009 of 1ST ADDL.SUB COURT, KOZHIKODE)

PETITIONER:

M.A.REMABAI, AGED 75 YEARS
D/O.DAMODARAN, RESIDING AT ASWATHY, EAST HILL ROAD
KACHERI AMSOM DESOM, KOZHIKODE.

BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

1. I.K.PREMALATHA
W/O.CHANDRADASAN, RESIDING AT 305,
LAKE VIEW APARTMENTS, GEJJERAKARE, JEPPU MARKET,
MANGALORE, KARNATAKA - 575 001.
2. I.K.RENJITH
S/O.CHANDRADASAN, RESIDING AT 305,
LAKE VIEW APARTMENTS, GEJJERAKARE, JEPPU MARKET,
MANGALORE, KARNATAKA - 575 001.
3. I.K.SHYLAJA
D/O.CHANDRADASAN, C/O.M.PREMAN, SBI PATTOM BRANCH,
KOTTAYAM - 686 006.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 395 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1. COPY OF THE PRELIMINARY DECREE PASSED BY THE COURT IN
O.S.660/09 OF 1ST ADDL. SUB COURT, KOZHIKODE.

EXHIBIT P2. COPY OF THE REPORT, PLAN AND ACCOUNT PREPARED IN THE
ADVOCATE COMMISSIONER, DATED 8.1.15.

EXHIBIT P3. COPY OF THE AFFIDAVIT FILED IN SUPPORT OF IA 488/15.

RESPONDENT(S)' EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.395 OF 2015

Dated this the 11th day of February, 2015.

J U D G M E N T

The limited prayer made by the petitioner at the time of hearing of the petition is for a direction to the 1st Additional Sub Court, Kozhikode to take up FDIA 4135/2012 in O.S.No.660/2009 and dispose of the same within a time frame fixed by this Court.

2. The petitioner points out that after preliminary decree was over, final decree proceedings were initiated in which the Commissioner has filed a report and plan. According to the petitioner, respondents have raised untenable contentions only to prolong the passing of the final decree and that causes irreparable loss and injury to the petitioner who is yet to get a major share of the property. She therefore prays that there may be a direction to the court below to take up FDIA 4135/2012 in O.S.No.660/2009 and dispose of it in accordance with law at the earliest.

This original petition is allowed. There will be a direction to the 1st Additional Sub Court, Kozhikode to take up FDIA 4135/2012 in O.S.No.660/2009 and dispose of it in accordance with law, after hearing all parties and also after considering the petitions if any filed by respective parties, at the earliest, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Sd/-

P.BHAVADASAN
JUDGE

smp