

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

OP(C).No. 413 of 2015 (O)

IA.NO.4742/2014 IN O.S.NO.193/2014 OF MUNSIF COURT, KOTTARAKKARA, KOLLAM.

.....

PETITIONER:

**SULOCHANA, AGED 66 YEARS,
W/O.LATE MADHUSOODANAN, RETIRED TEACHER,
RESIDING AT MANGALASSERI HOUSE,
PAVITHRESWARAM MURI,
PAVITHRESWARAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT(S):

- 1. BAHULEYAN, AGED 65 YEARS,
S/O.LATE KUNJU PILLAI, RESIDING AT SOUPARNIKA,
KARIMPINPUZHA MURI, PANGODU.P.O,
PAVITHRESWARAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, PIN-691513.**
- 2. HARIDASAN, AGED 55 YEARS,
BUSINESS, S/O.LATE KUNJUPILLAI,
RESIDING AT POREEKALAZHIKATHU VEEDU,
POOCHADIVILA DESAM,
AIYIRIKUZHI MURI(MALANADA WARD)
PAVITHRESWARAM VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT, PIN-691507.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 13-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 413 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1 : A TRUE COPY OF THE PLAINT IN O.S.NO.193 OF 2014 ON THE FILE OF
THE MUNSIFF COURT,KOTTARAKKARA.

EXT.P2 : A TRUE COPY OF THE ORDER DATED 11/04/2014 IN I.A.1356 OF 2014 IN
O.S.NO.193 OF 2014 BEFORE THE MUNIFF'S COURT,KOTTARAKKARA.

EXT.P3 : A TRUE COPY OF THE ORDER DATED 12.06.2014 IN I.A.NO.1356 OF
2014 IN O.S.NO.193 OF 2014 BEFORE THE MUNSIFF'S COURT,
KOTTARAKKARA.

EXT.P4 : A TRUE COPY OF THE APPLICATION I.A.NO.4742 OF 2014 IN
O.S.NO.193 OF 2014 ON THE FILE OF THE MUNSIFF COURT,
KOTTARAKKARA.

RESPONDENT(S)' EXHIBITS:

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.BHAVADASAN, J.

O.P.(C) No. 413 of 2015

Dated this the 13th day of February, 2015

J U D G M E N T

Complaining about the non disposal of Ext.P4 application filed under Order XXXIX, Rule 2(A) of C.P.C., the petitioners have approached this Court for a direction for speedy disposal of the same.

2. The petitioners instituted O.S.No.193/2014 before the Munsiff Court, Kottarakkara for declaration, partition and injunction. Along with the suit, they moved I.A.No.1356/2014 praying for interim relief. An interim order was passed on 12.06.2014. Complaining of violation of the interim order, they sought to take proceedings against the respondents herein. The grievance is that even after the lapse of several months, no action has been taken on Ext.P4 application and it is being adjourned from time to time.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is

unnecessary.

This petition is disposed of directing the Munsiff Court, Kottarakkara to take up Ext.P4 petition and dispose it of on merits after hearing both sides, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment, provided, the parties co-operate and no I.A.s are pending for consideration.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge