

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

OP(C).No. 419 of 2015 (O)

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(OS 16/2015 of MUNSIFF COURT, KOCHI)

PETITIONER/DEFENDANT:

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ABDUL ZIYAD, AGED 44 YEARS  
S/O.LATE A.K.M.HUSSAIN, MANAGING DIRECTOR,  
M/S.AQUA SEA FOOD (INDIA) PVT LTD.,  
DOING BUSINESS AT BLD NO.22/1177, NH 47,  
EDAKOCHI VILLAGE, KOCHI TALUK, ERNAKULAM DISTRICT,  
PIN: 682 006.

BY ADVS.SRI.R.O.MUHAMED SHEMEEM  
SMT.NASEEHA BEEGUM P.S.  
SRI.T.P.ABDUL HAMEED  
SRI.P.N.SAIBEN NIKKISH  
SMT. RUKSANA K.SUBAIR

RESPONDENT/PLAINTIFF:

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LATHEEFA, AGED 61 YEARS  
W/O.K.K.ASHRAF, KOLLIYIL, 1/1211  
RIDS DALE BRANCH ROAD, KOCHI, PIN: 682 001.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON  
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 419 of 2015 (O)

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APPENDIX

PETITIONER'S EXHIBITS :

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- P1: TRUE COPY OF THE PLAINT IN OS NO.16/2015 OF MUNSIFF COURT AT KOCHI.
- P2: TRUE COPY OF THE INTERLOCUTORY APPLICATION IN I.A NO.106/2015 IN OS NO.16/2015 OF MUNSIFF COURT AT KOCHI.
- P3: TRUE COPY OF THE COMMISSION REPORT DATED 2/2/2015 IN I.A NO.107/2015 IN OS NO.16/2015 OF MUNSIFF COURT AT KOCHI
- P4: TRUE COPY OF THE COUNTER IN I.A NO.106/2015 IN OS NO.16/2015 OF MUNSIFF COURT AT KOCHI.
- P5: TRUE COPY OF ORDER DATED 9/4/2014 IN I.A NO.968/2014 IN OS NO.181/2014 OF THE MUNSIFF COURT - I, KOCHI.

RESPONDENT'S EXHIBITS: NIL

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// True Copy //

P.A. To Judge

smp

**P.BHAVADASAN, J.**

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**Original Petition (Civil) No.419 OF 2015**  
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**Dated this the 20<sup>th</sup> day of February, 2015.**

**J U D G M E N T**

Complaining about non disposal of an Interlocutory Application in which an ex parte order has been passed with regard to which he has filed counter affidavit, petitioner has approached this Court under Article 227 of the Constitution of India seeking a direction for early disposal of the Interlocutory Application.

2. The petitioner is the defendant in the suit and the plaintiff had obtained interim order of injunction against him. The petitioner entered appearance and filed counter affidavit. Even though there were several postings, the matter has not been heard though statutorily, the court is supposed to dispose the Interlocutory Application within a specified time.

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

This original petition is disposed of directing the court below to take up I.A.No.106/2015 in O.S.No.16/2015 and dispose it of

on merits in accordance with law, after hearing both parties, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

Sd/-

**P.BHAVADASAN  
JUDGE**

smp