

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

OP(C).No. 421 of 2015 (O)

OS 399/2014 & 405/2014 of PRINCIPAL MUNSIFF,ALAPPUZHA.

PETITIONER(S)/2ND DEFENDANT:

SREEJITH KUNJUMON, AGED 32 YEARS,
S/O. KUNJUMON, PANTHIRANDIL, KELAMANGALAM P.O.,
THAKAZHY.

BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA

RESPONDENT(S)/PLAINTIFF:

T.J.LALAPPAN, AGED 54 YEARS,
S/O. LATE ANTONY JOSEPH, LALI BHAVAN,
KELAMANGALAM MURI,
THAKAZHY VILLAGE, ALAPPUZHA 688 562.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C).No. 421 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBITP1: TRUE COPY OF THE IA NO. 424/2015 FILED BY THE
PETITIONER BEFORE THE MUNSIFF COURT, ALAPPUZHA DATED
28.1.2015

RESPONDENT(S) ' EXHIBITS

P. BHAVADASAN, J.

O.P.(C). No. 421 of 2015

Dated this the 9th day of March, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India seeking a direction from this Court for early disposal of O.S. Nos. 399 of 2014 and 405 of 2014 pending before the Munsiff's Court, Alappuzha. The above two suits are filed by the same person, one for fixation of boundary and the other for declaration of title.

2. The petitioner, who is the defendant in the suits points out that the plaintiff, on the strength of the suit filed by him, tampered with the boundaries of the property belonging to the petitioner and that causes considerable difficulties to the petitioner, so that there may be a direction to the court below to dispose of the suits.

3. On enquiry, this Court is given to understand that written statement has been filed. Obviously one of the suits being one for fixation of boundary, a commission report will be absolutely necessary for a proper disposal of the suit.

4. Any one party may apply for appointment of a commission and the court below shall dispose of the said application without much delay. The court below shall make every endeavour to dispose of the suits after obtaining the commission report within six months thereof. This order will not preclude the court below from entertaining the petitions, if any, moved by the parties.

This Original Petition is disposed of as above.

sb.

P. BHAVADASAN,
JUDGE