

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

OP(C).No. 430 of 2015 (O)

(AS 114/2008 of PRINCIPAL SUB COURT, ATTINGAL)

PETITIONER:

SATHYAN, AGED 70 YEARS,
S/O.GOVINDAN, VATTAVILA PURAYIDAM, (ANITHA BHAVAN),
PERUNGUZHI DESOM, AZHOOR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

1. VIJAYAMMA
D/O.SARASAMMA, VATTAVILA PURAYIDAM, PERUNGUZHI DESOM
AZHOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT
PIN - 695310.

2. MURALI
VATTAVILA PURAYIDAM, PERUNGUZHI DESOM, AZHOOR VILLAGE
THIRUVANANTHAPURAM DISTRICT, PIN 695310.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 430 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE A.S.NO.114/2008 FILED BY THE
RESPONDENTS BEFORE SUB JUDGE'S COURT, ATTINGAL.

EXHIBIT-P2: TRUE COPY OF THE DECREE DATED 31/3/2008 IN
O.S.NO.134/2002 OF MUNSIFF COURT, ATTINGAL.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT DATED 10/6/2013 IN
O.S.NO.494/2011 OF MUNSIFF COURT, ATTINGAL.

EXHIBIT-P4: TRUE COPY OF I.A.NO.1708/2014 FILED BY THE PETITIONER
BEFORE THE SUB COURT ATTINGAL IN A.S.NO.114/2008.

RESPONDENT'S EXHIBITS: NIL.

// True copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.430 OF 2015

Dated this the 18th day of February, 2015.

J U D G M E N T

The limited prayer in this original petition is for a direction to the Sub Court, Attingal to consider Ext.P4 application and dispose it of on merits before deciding either of the appeals namely, A.S.No.114/2008 and A.S.No.3/2014.

2. A.S.No.114/2008 arose out of O.S.No.134/2002 which was a simple suit for injunction. While A.S.No.114/2008 was pending, plaintiff in O.S.No.134/2002 instituted O.S.No.494/2011 with a larger relief and it so happened that both the suits were decreed. Appeal was filed by the affected parties in the respective suits.

3. The claim now made is that as the subject matter involved in the suits are identical, it is only appropriate that the court before which the appeals are pending may hear the matter jointly and dispose of them by a common order. For the said purpose, Ext.P4 application has been filed.

4. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary as no order prejudice to them is being passed by this Court on this petition.

This original petition is disposed of directing the court concerned to take up Ext.P4 application said to have been filed by the petitioner and dispose of it on merits.

Sd/-

P.BHAVADASAN
JUDGE

smp