

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

OP(C).No. 445 of 2015 (O)

IA.NO.1616/2012 IN OS.NO.114/2012 OF MUNSIF COURT, MANJERI

PETITIONER(S):

**ABOOBACKER,
S/O.KADAVATH MUHAMMEDALI, VALLILAPUZHA P.O.
KEEZHUPARAMBU AMSAM, DESOM, ERANAD TALUK
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S):

- 1. ASHRAF,
S/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT-675110.**
- 2. NAFEESA,
W/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT-675110.**
- 3. ABDUL RAHIMAN,
S/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT--675110.**
- 4. KHADEEJA,
D/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT-675160.**
- 5. AMINAKUTTY,
D/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT-675160.**
- 6. USMAN,
S/O.KADAVATH MUHAMMEDALI, AREKKODE PO., ERANAD TALUK
MALAPPURAM DISTRICT-675110.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE PLAINT O.S. NO.114/2012 SUBMITTED BY THE 1ST RESPONDENT PENDING BEFORE THE HON'BLE MUNSIFF'S COURT, MANJERI.

EXHIBIT P2- TRUE COPY OF THE WRITTEN STATEMENT DATED 3/9/2012 SUBMITTED BY THE PETITIONER.

EXHIBIT P3- TRUE COPY OF THE I.A. NO.1616/2012 IN O.S.114/2012 DATED 6/9/2012 FILED BY THE PETITIONER.

EXHIBIT P4- TRUE COPY OF THE OBJECTION DATED 30/12/2013 FILED BY THE 1ST RESPONDENT.

EXHIBIT P5- TRUE COPY OF THE I.A.1344/2014 FILED BY THE PETITIONER.

EXHIBIT P5(A)- TRUE COPY OF THE I.A.2371/2014 FILED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No.445 of 2015

Dated this the 19th day of February, 2015

J U D G M E N T

The defendant in a suit for partition moved Ext.P3 application for appointment of receiver on the ground that the profit obtained from the property has not been accounted and that would cause considerable hardship to the defendant concerned when the suit is ultimately disposed of.

2. Even though Ext.P3 application was filed as early as on 06.09.2012, it is yet to find the light of the day. This Court is disturbed by the fact that the petitions are kept pending without any justification and clients are constrained to approach this Court for a direction for an early disposal. This tendency has increased in the recent times, it is time for this Court to take serious note of such conduct on the part of the lower court.

3. A petition, which should have been disposed of immediately, has been kept pending for last three years. There is no justification for the court in doing so.

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

This petition is disposed of directing the Munsiff Court, Manjeri to take up I.A.No. 1616/2012 in O.S.No. 114/2012 and dispose it of as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge