

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. 450 of 2015

(OS 251/2014 of MUNSIF COURT, KANJIRAPPALLY)

PETITIONERS/PLAINTIFFS:

1. GOSPEL FOR ASIA, A RELIGIOUS CHARITABLE TRUST, MANJADI P.O., KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, REPRESENTED BY ITS MANAGING TRUSTEE AND PRESIDENT, METROPOLITAN BISHOP DR. K.P. YOHANNAN, AGED 64, S/O. LATE CHACKO PUNNOOSE, RESIDING AT GOSPEL FOR ASIA SEMINARY CAMPUS, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, THROUGH HIS POWER OF ATTORNEY HOLDER JACOB POTHEN, AGED 56, S/O. LATE T.K. POTHEN, THERADIYIL HOUSE, NIRANAM WEST P.O., THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.
2. JACOB C.PHILIP, AGED 57, S/O. LATE C.V. PHILIP, GENERAL MANAGER, BC CHERUVALLY ESTATE, ERUMELY SOUTH P.O., ERUMELY SOUTH VILLAGE, KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT.

BY ADVS.SRI.CHERIAN GEE VARGHESE
SRI.P.HARIDAS
SMT.SIKKY RAVISHANKAR
SRI.P.C.SHIJIN

RESPONDENTS/DEFENDANTS:

1. VINESH, AGED 28, ELECTRICAL AND AGRICULTURAL WORKER, S/O. PRABHAKARAN, LINE No.106, ROOM No.4, KAMBI LINE, CHERUVALLY DIVISION, CHERUVALLY ESTATE, ERUMELY SOUTH P.O, ERUMELY SOUTH VILLAGE, KANJIRAPPALLY TALUK, KOTTAYAM - 686 509.
2. ABHIJITH, AGED 28, ELECTRICAL AND AGRICULTURAL WORKER, S/O. SOMAN GOPI, LINE No.106, ROOM No.1, KAMBI LINE, CHERUVALLY DIVISION, CHERUVALLY ESTATE, ERUMELY SOUTH P.O, ERUMELY SOUTH VILLAGE, KANJIRAPPALLY TALUK, KOTTAYAM - 686 509.

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

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF PLAINT IN O.S.251/04 OF KANJIRAPPALLY
MUNSIFF COURT DTD. 26.8.14.
- EXT. P2 : COPY OF I.A.62/14 IN EXT.P1 DTD. 6.8.14.
- EXT. P3 : COPY OF ORDER OF INJUNCTION IN I.A.1062/14 IN
EXT.P1 DTD. 27.8.14.
- EXT. P4 : COPY OF PROSECUTION PETITION DTD. 1.9.14 IN
O.S.251/14 OF KANJIRAPPALLY.
- EXT. P5 : NOTICE ISSUED BY TEMPLE COMMITTEE DTD. 24.1.15.
- EXT. P6 : COPY OF I.A.167/15 DTD. 12.2.15 IN O.S. 251/14 OF
KANJIRAPPALLY.
- EXT. P7 : COPY OF ADVANCE PETITION 171/15 DTD. 13.2.15 IN
O.S.251/14 OF KANJIRAPPALLY.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.450 OF 2015

Dated this the 19th day of February, 2015.

J U D G M E N T

This original petition which was taken up yesterday was kept pending on the hope that the court below which had posted the relevant Interlocutory Application for hearing today will hear the same and pass appropriate orders on the same.

2. This Court is now given to understand that the court below simply adjourned the case to 03.03.2015. Probably, the court was not aware of the necessity of immediately hearing that petition.

3. The petitioners instituted a suit as O.S.No.251/2014 before the Munsiff Court, Kanjirappally. They have obtained interim injunction which is evident from Ext.P3. On receipt of Ext.P5, when the respondents threatened to interfere with the rights of the petitioners, they moved the court below by way of Ext.P6 for adequate protection. The threat meted out by the petitioners was specifically pointed out in the petition.

4. One would have expected the court below to have bestowed its attention to the matter and dispose of the same as it seems to be an urgent one.

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

This original petition is allowed and Munsiff Court, Kanjirappally is directed to take up I.A.No.167/2015 on 23.02.2015 and dispose of it on merits as expeditiously as possible.

Registry will communicate this order by telephone.

Sd/-

**P.BHAVADASAN
JUDGE**

smp