

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. 453 of 2015 (O)

(OS 563/2008 of MUNSIFF COURT, PATHANAMTHITTA)

PETITIONER:

G.SUJUKUMAR, AGED 37 YEARS,
S/O. LATE GOPALA PILLAI,
G.G. NIVAS, KULATHUMON P.O., KODAL MURI,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF LAND REVENUE, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE THAHASILDAR, KONNI, PATHANAMTHITTA - 689 693.
3. GOURI AMMA, W/O. GOPALA PILLAI, AGED 70 YEARS, G.g. NIVAS, KULATHUMON P.O., KODAL, ADOOR TALUK, PATHANAMTHITTA - 689 693.

R1 & R2 BY GOVERNMENT PLEADER SRI. REJI JOSEPH.

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

O.P.(C) 453/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF DEED DTD. 22.3.04 EXECUTED IN FAVOUR OF PETITIONER.
- EXT. P2 : COPY OF TAX RECEIPT ISSUED IN THE NAME OF the PETITIONER.
- EXT. P3 : COPY OF JUDGMENT DTD. 25.3.09 IN O.S.563/2008 OF MUNSIFF COURT, PATHANAMTHITTA.
- EXT. P4 : COPY OF I.A.676/13 FILED BY PETITIONER.
- EXT. P5 : COPY OF I.A.677/13 FILED BY PETITIONER.
- EXT. P6 : COPY OF COUNTER AFFIDAVIT FILED BY R5.
- EXT. P7 : COPY OF COMMUNICATION DTD. 5.11.14 ISSUED BY PETITIONER'S COUNSEL TO R4.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.453 OF 2015

Dated this the 20th day of February, 2015.

J U D G M E N T

The prayer in this original petition is for a direction to the Munsiff Court, Pathanamthitta to take up Exts.P4 and P5 applications and dispose them of on merits in accordance with law.

2. The petitioner is one of the defendants in O.S.No.563/2008 in which an ex parte decree was passed. The petitioner moved I.A.Nos.676 and 677 of 2013 in O.S.No.563/2008, one for setting aside the ex parte decree and the other for condoning the delay in filing the petition to set aside the ex parte decree. These petitions had been filed as early as in 2013 and they are pending consideration.

3. The grievance now voiced is that during the pendency of the above petitions, 3rd respondent before this Court is taking hasty steps to have the mutation effected on the basis of the ex parte decree. The petitioner therefore prays that it is

absolutely necessary that the petitions filed by him be disposed of in accordance with law at the earliest so as to safeguard his interest.

4. 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 disposed of directing the Munsiff Court, Pathanamthitta to take up I.A.Nos.676 and 677 of 2013 in O.S.No.563/2008 and dispose of them 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