

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

OP(C).No. 458 of 2015 (O)

**(I.A.NO.1628/2013 IN O.S. NO.95/2008 OF THE 1ST ADDITIONAL SUB COURT,
ERNAKULAM).**

...

PETITIONER:

**JAYASREE, AGED 42, W/O. MAHENDRAN,
KADAVUKKATTU PARAMBU, VADUTHALA DESOM,
CHERANELLUR VILLAGE, KANAYANNUR TALUK,
VADUTHALA P.O., KOCHI- 682 023, ERNAKULAM DISTRICT.**

**BY ADVS. SMT. AYSHA YOUSEFF
SRI. JOBI. A. THAMPI**

RESPONDENT:

**DENSON @ DENY PAUL, AGED ABOUT 38 YEARS,
S/O. AUGUSTINE, CHALAVEEDU, ELAMAKKARA,
EDAPPOLLY SOUTH VILLAGE, KANAYANNUR TALUK,
ELAMAKKARA P.O., KOCHI- 682 026.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.458 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXT P1-TRUE COPY OF THE JUDGMENT AND DECREE PASSED IN O.S 95/2008
ON THE FILES OF THE SUB COURT, ERNAKULAM.

EXT P2-TRUE COY OF THE INTERLOCUTORY APPLICATION NO.1628/2013 FILED
IN O.S. 95/08 ON THE FILES OF THE 1ST ADDITIONAL SUB COURT,
ERNAKULAM.

EXT P2(a)-TRUE COPY OF THE CALCULATION STATEMENT FILED IN O.S 95/08
ON THE FILES OF THE 1ST ADDITIONAL SUB COURT, ERNAKULAM.

EXT P3-A TRUE COPY OF THE OBJECTION TO THE DRAFT SALE DEED FILED BY
THE RESPONDENT IN O.S 95/08 ON THE FILES OF THE 1ST ADDITIONAL
SUB COURT, ERNAKULAM.

EXT P4-TRUE COY OF THE MODIFIED DRAFT SALE DEED FILED IN O.S 95/08 ON
THE FILES OF THE 1ST ADDITIONAL SUB COURT, ERNAKULAM.

EXT P5-TRUE COY OF THE ADVANCE PETITION (I.A.5468/2014) FILED IN I.A
1628/203 IN O.S 95/08 ON THE FILES OF THE 1ST ADDITIONAL SUB
COURT, ERNAKULAM.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P. BHAVADASAN, J.

O.P.(C). No. 458 of 2015

Dated this the 23rd day of February, 2015.

JUDGMENT

After having obtained a decree for specific performance, the petitioner deposited balance sale consideration and moved for execution of the deed. A draft deed was produced to which objection was raised by the respondent. The defect pointed out by the respondent was cured. The grievance of the petitioner is that Ext. P2 application has undergone several adjournments and no final orders have been passed causing irreparable loss and injury to the petitioner. The petitioner, therefore, prays that there may be a direction for disposal of the said application.

2. In the nature of the order that is proposed to be passed in this Original Petition, notice to the respondent appears to be unnecessary.

This Original Petition is disposed of directing Sub Court, Ernakulam to take up Ext. P2 application and dispose of it as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

sb.

P. BHAVADASAN,
JUDGE