

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

OP(C).No.507 of 2015 (O)

(OS NO.248/2013 OF MUNSIFF'S COURT,ALAPPUZHA.)

PETITIONER/1ST DEFENDANT:

**ANTONY,AGED 54 YEARS,KANDATHIL,
SANATHANAM WARD,ALAPPUZHA-688001**

**BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA**

RESPONDENTS/PLAINTIFFS:

- 1. UMA PARVATHY,AGED 50 YEARS,
D/O.SUBRAMAINYAN ACHARI,
THEKKE POLAPARAMB,
SANATHANAM WARD,ALAPPUZHA-688001**
- 2. JACOB SEBASTIAN,AGED 54 YEARS
S/O.GEORGE SEBASTIAN JACOB,
THEKKE POLAPARAMBU OF SANATHANAM WARD,
ALAPPUZHA-688001**
- 3. MARY IDA JOCOB,AGED 48 YEARS,
W/O.JACOB SEBASTIAN JACOB,
THEKKE POLAPARAMBU OF SANATHANAM WARD,
ALAPPUZHA-688001**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 25-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.507 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE PLAINT IN OS NO.248/2013 FILED BY THE
RESPONDENT BEFORE THE MUNSIF COURT,ALAPPUZHA
DTD 9/4/2013.**

**EXT.P2:TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER &
2ND DEFENDANT BEFORE THE MUNSIF COURT,ALAPPUZHA
DTD 20/7/2013**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.BHAVADASAN, J.

O.P.(C).No.507 of 2015

Dated this the 25th day of February, 2015

JUDGMENT

The limited prayer in this original petition filed under Article 227 of the Constitution of India is for a direction to the Munsiff Court, Alappuzha to take up O.S.No.248 of 2013 and dispose it of within a time frame fixed by this Court.

2. The petitioner is the defendant in the suit. The suit was one for mandatory injunction. The petitioner points out that he had with other defendants filed a written statement as early as on 20.7.2013. Since then the case was adjourned 13 times without any purpose. The petitioner points out that the issues are not framed so far. If this is the progress, there is no likelihood of the suit being concluded in the near future. This will prejudicially affect the petitioner. The petitioner therefore prays for an early disposal of the suit.

3. In the nature of the order that is proposed to be passed and since no right of the respondents is prejudicially affected, it

O.P.(C).No.507 of 2015

is felt that notice to the respondents is unnecessary.

This petition is allowed, directing the Munsiff Court, Alappuzha to take up O.S.No.248 of 2013 as early as possible and dispose it of as expeditiously as possible, at any rate within a period of six months from the date of receipt of a copy of this judgment. It is made clear that any petition filed will be considered in accordance with law.

Sd/-

**P.BHAVADASAN,
JUDGE.**

rkc.