

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP(C).No. 517 of 2015 (O)

IA.781/2013 & IA.88/2015 IN OS.103/2013 OF MUNSIFF COURT, VADAKARA

**PETITIONER(S)/PETITIONER IN IA 781/2013/PETITIONER IN IA.88/2015 IN OS.103/2013
- MUNSIFF COURT, VATAKARA:**

**KUNHIKANNAN, AGED 70 YEARS, S/O.CHOYI,
RETIRED VILLAGE ASSISTANT, RESIDING AT THAZHEPUTHUR,
MEMUNDA AMSOM DESOM, POST MEMUNDA, VATAKARA TALUK,
KOZHIKODE DISTRICT KERALA STATE.**

**BY ADVS.SRI.B.KRISHNAN
SRI.R.PARTHASARATHY**

**RESPONDENT(S)/RESPONDENTS IN IA.781/2013/RESPONDENTS IN IA.88/2015 IN
OS.NO.103/2013-MUNSIFF COURT, VATAKARA:**

- 1. ASHOKAN, S/O.PARU, AGED 62 YEARS, RESIDING AT NIDHI NILAYAM,
MEMUNDA AMSOM DESOM, POST MEMUNDA, VATAKARA TALUK,
KOZHIKODE DISTRICT KERALA STATE-673101.**
- 2. PUTHURTHAZHAKUNIYIL NANI, AGED 57 YEARS, D/O.LATE CHERUMAN,
MEMUNDA AMSOM DESOM, POST MEMUNDA, VATAKARA TALUK,
KOZHIKODE DISTRICT KERALA STATE-673101.**
- 3. SHEEBA, AGED 34 YEARS, D/O.NANI, HOUSE WIFE,
PUTHURTHAZHAKUNIYIL HOUSE, MEMUNDA AMSOM DESOM, POST
MEMUNDA, VATAKARA TALUK, KOZHIKODE DISTRICT KERALA STATE-673101.**
- 4. BABU PATHAYAKUNNUMMAL, AGED 42 YEARS, S/O.CHOYI,
PUTHURTHAZHAKUNIYIL HOUSE, MEMUNDA AMSOM DESOM, POST
MEMUNDA, VATAKARA TALUK, KOZHIKODE DISTRICT KERALA STATE-673101**
- 5. THE VILLIAPPALLY GRAMA PANCHAYATH
WITH ADDRESS FOR SERVICE-THE SECRETARY,
VILLIAPPALLY GRAMA PANCHAYAT-673105.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 517 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE PETITION IA.NO.781/13 FILED ON 29/5/13 WITH ORDERS THEREON FROM TIME TO TIME BY MUNSIFF VATAKARA**
- P2: COPY OF THE IA.88/2015 FILED ON 13/1/15 WITH ORDERS THEREON FROM TIME TO TIME BY MUNSIFF, VATAKARA.**

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No. 517 of 2015

Dated this the 26th day of February, 2015

J U D G M E N T

The limited prayer in this original petition is for a direction to the Munsiff Court, Vadakara to take up Exts. P1 and P2 petitions and dispose them of on merits after hearing both parties.

2. The plaintiff is the petitioner. He instituted O.S.No. 103/2013 for permanent prohibitory injunction. Along with the suit, he moved Ext.P1 ie. I.A.No. 781/2013 for interim order. No interim order was granted and petition is kept pending. Feeling that the larger prayer has been asked for in Ext.P1, the plaintiff sought for a lesser prayer by filing Ext.P2 for interim relief. That too is kept pending. This court is informed that the Commissioner has already filed his report.

3. There is no justification for the court below to have kept these petitions pending for so long without hearing

them and disposing them on merits.

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

This petition is disposed of directing the Munsiff Court, Vadakara to take up Exts. P1 and P2 petitions and dispose them of on merits in accordance with law after hearing both the parties within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge