

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

OP(C).No. 551 of 2015 (O)

(OS.NO. 406/2011 OF SUB COURT, NORTH PARAVOOR)

PETITIONER :

BRHAMACHARI PRAKASH, S/O.KUTTIKRISHNAN NAIR,
MATHA AMRITANANDAMAYI MATH-V/49, ALAPPADU VILLAGE,
PARAKKADAVATHARA MURI,KARUNAGAPPALLY TALUK.

BY ADVS.SRI.R.KRISHNA RAJ
SRI.BIJITH S.KHAN
SRI.A.SHANAVAS KHAN

RESPONDENT(S):

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1. REGHUNATH, S/O.THANKAPPAN NAIR,
IYKKARA HOUSE, NADUVATTOM KARA,
MANJAPPRA VILLAGE, ALUVA TALUK.
 2. PRASANNA, W/O.RAGHUNATH &
D/O.THATTASSERIL BHASKARA MENON,
KAKKOORKARA,THIRUMARADI VILLAGE.
 3. PRADEESH KRISHNA,
S/O.KRISHNANKUTTY MENON,
THALAKOTTU KOMPANAL VEEDU,
KANAYANNOOR VILLAGE & TALUK.
 4. SYNDICATE BANK, ANGAMALI BRANCH,
REPRESENTED BY ITS SENIOR MANAGER.

R4 BY SRI.R.S. KALKURA, SC, SYNDICATE BANK

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

P. BHAVADASAN, J.

O.P.(C). No. 551 of 2015

Dated this the 2nd day of March, 2015.

JUDGMENT

The petitioner, the plaintiff in O.S. 406 of 2011 before Sub Court, North Paravoor, who entered into an agreement for sale with the defendants and paid Rs.35,50,000/- as advance, finds himself dragged to court for relief. The petitioner was examined as P.W.1 and during his examination a dispute regarding identity of the property was raised by the defendants which necessitated the plaintiff to seek a commission report regarding the identity of the property. He took necessary steps. The Commissioner filed an interim report stating that the sketch is not available and also that help of a private surveyor is necessary. The petitioner has expressed his willingness to have all the necessary things done and to meet the expenses. That happened on 26.2.2014. Even though there were several postings, no progress has been made and the

case now stands posted to 21.3.2015. Petitioner prays that there may be a direction to the court below to consider the application pending before it as expeditiously as possible and after getting the commission report dispose of the suit within a reasonable time.

2. After having heard learned counsel for the petitioner, gush in the light of the order that is proposed to be passed in this Original Petition, notice to the respondents appears to be unnecessary.

This Original Petition is disposed of directing the court below to take up the petition pending before it and dispose it of in accordance with law within a reasonable time and also that after having obtained the commission report, dispose of the suit within six months thereafter.

sb.

P. BHAVADASAN,
JUDGE