

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

OP(C).No. 569 of 2015 (O)

PETITIONER/PLAINTIFF :

**KOTTOOR VEETIL KUNHIRAMAN, AGED 85 YEARS,
S/O MANIKKAM, ANANDESWARAM, AJANOR AMSOM,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS/DEFENDANTS :

- 1. KOTTOOR VEETIL SARAJINI, AGED 65 YEARS,
D/O LATE KUNHAKKAMMA, RESIDING AT PERALAM AMSOM
KOZHUMMAL DESOM, P.O., KOZHUMMAL
KANNUR DISTRICT.**
- 2. KOTTOOR VEETIL RAGHAVAN, AGED 61 YEARS
S/O LATE KUNHAKKAMMA, RESIDING AT PERALAM AMSOM
KOZHUMMAL DESOM, P.O., KOZHUMMAL
KANNUR DISTRICT.**
- 3. KOTTOOR VEETIL PADMAVATHI, AGED 59 YEARS
D/O LATE KUNHAKKAMMA, RESIDING AT PERALAM AMSOM,
KOZHUMMAL DESOM, P.O., KOZHUMMAL
KANNUR DISTRICT.**
- 4. KOTTOOR VEETIL THAMBAI, AGED 51 YEARS
D/O LATE KUNHAKKAMMA, RESIDING AT PERALAM AMSOM
KOZHUMMAL DESOM, P.O., KOZHUMMAL
KANNUR DISTRICT.**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE FINAL DECREE PASSED BY THE MUNSIFF COURT
IN IA NO.1893 OF 1996 IN OS NO.111 OF 1987 ON 1.3.1999.
- EXHIBIT P2: TRUE COPY OF THE DELIVERY REPORT AND DELIVERY ACCOUNT
FILED BY THE AMIN BEFOR ETHE EXECUTION COURT IN EP
NO.65/2010.
- EXHIBIT P3: A TRUE COPY OF THE EXECUTION PETITION IN EP NO.113 OF 2010.
- EXHIBIT P4: TRUE COPY OF THE ORDER IN EA NO.21/2012 IN EP NO.113 OF 2010
OF THE MUNSIFF COURT, PAYYANNUR.
- EXHIBIT P5: TRUE COPY OF THE ORDER IN EA NO.22/2012 IN EP NO.113 OF 2010
OF THE MUNSIFF COURT, PAYYANNUR.
- EXHIBIT P6: TRUE COPY OF THE APPEAL MEMORANDUM IN AS NO.40/2012 OF
THE SUBORDINATE JUDGE'S COURT, PAYYANNUR.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

P.BHAVADASAN, J.

O.P.(C) No. 569 of 2015

Dated this the 03rd day of March, 2015

J U D G M E N T

Frustrated by the pendency of A.S.No. 40/2012, the petitioner moves this Court for a direction for disposal of the appeal at the earliest so as to mitigate his grievances.

2. The petitioner, a decree holder in a partition suit, after final decree proceedings, obtained delivery of his property. He had to receive certain amount as owelty in the final decree. He moved for realization of the said amount and the proceedings began. The petitioner points out that there was a claim raised by one of the parties and that was adjudicated by the Munsiff and the Munsiff dismissed the same, from which the appeal has been filed as A.S.No. 40/2012. Even though the entire amount has been paid and the E.P. has been closed, the appeal survives causing inconvenience and irreparable injuries to the petitioner on several occasions. He therefore prays that there may be a

direction to dispose of the appeal.

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

This petition is allowed and the Sub Court, Payyannur is directed to take up A.S.No.40/2012 pending before it and dispose it of as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge