

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

OP(C).No. 580 of 2015 (O)

E.P. 227/2014 IN O.S. 446/1997 OF ADDL.MUNSIFF'S COURT, NEYYATTINKARA

PETITIONER :

THANKAYYAN, AGED 77 YEARS,  
S/O.GOPALAN, SURABHI BHAVAN, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS :

1. JOSEPH @ JAYAN,  
J.J.BHAVAN, MANAPPURAM, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
2. GOPALAN GOPAKUMAR,  
G.S.SADAN, SASTHAMKONAM THADATHARIKATHU  
VEERANAKAVU VILLAGE, NIRAPPUKONAM  
THIRUVANANTHAPURAM - 695572.
3. DASSAMMA BABY,  
W/O.JOSEPH, J.J.BHAVAN, MANAPPURAM  
NIRAPPUKONAM, MALAYINKEEZHUY VILLAGE  
THIRUVANANTHAPURAM - 695572.
4. YAKKOBU PONNU,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM,  
MALAYINKEEZHU, THIRUVANANTHAPURAM - 695572.
5. BINU,  
S/O.PONNU, PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM  
MALAYINKEEZHU, THIRUVANANTHAPURAM - 695572.
6. SYAMALA,  
W/O.GOPALAN, G.S.SADAN, SASTHAMKONAM  
THADATHIRIKATHU, VEENAKAVU VILLAGE,  
THIRUVANANTHAPURAM-695572.
7. GOPAKUMAR,  
ARUN, G.S.SADAN, SASTHAMKONAM,  
THADATHIRIKATHU, VEENAKAVU VILLAGE,  
THIRUVANANTHAPURAM-695572.

8. SYAMALA ASHA,  
G.S.SADAN, SASTHAMKONAM, THADATHIRIKATHU,  
VEENAKAVU VILLAGE, THIRUVANANTHAPURAM - 695572.
9. JAIN, D/O.BABY, J.J.BHAVAN, MANAPPURAM,  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM - 695572.
10. SUBINKUMAR,  
KALLAM POTTAVILA VILLAGE, NIRAPPUKONAM,  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM - 695572.
11. SUBHASH KUMAR,  
KALLAM POTTAVILA VILLAGE, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
12. SUDHESH KUMAR,  
KALLAM POTTAVILA VILLAGE, NIRAPPUKONAM,  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM - 695572.
13. PONNU BABY,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM,  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
14. BABY VASANTHA,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
15. PONNU BIJU,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
16. BINDU,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.
17. PONNU SHIBU,  
PUTHUVAL PUTHEN VEEDU, NIRAPPUKONAM  
MALAYINKEEZHU VILLAGE, THIRUVANANTHAPURAM-695572.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION  
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

OP(C).No. 580 of 2015 (O)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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EXT.P1: TRUE COPY OF THE JUDGMENT DTD.21/2/2007 IN O.S.446/.1997 ON  
THE FILE OF THE COURT OF THE ADDL.MUNSIFF-I,NEYATTINKARA.

EXT.P2: TRUE COPY OF THE FINAL JUDGMENT DTD.31/10/2009 IN I.A.2518/08  
IN O.S.446/1997 ON THE FILE OF THE COURT OF THE ADDL.  
MUNSIFF-I, NEYATTINKARA

EXT.P3: TRUE COPY OF THE E.P.227/2014 IN O.S.446/97 ON THE FILE OF  
COURT OF ADDL.MUNSIFF-I,NEYATTINKARA.

RESPONDENT(S)' EXHIBITS : NIL.

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//TRUE COPY//

P.S. TO JUDGE

bp

**P. BHAVADASAN, J.**

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O.P.(C). No. 580 of 2015  
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Dated this the 9<sup>th</sup> day of March, 2015.

**JUDGMENT**

This is a petition filed under Article 227 of the Constitution of India seeking a direction from this Court for early disposal of E.P. 227 of 2014 in O.S. 446 of 1997 pending before Additional Munsiff's Court, Neyyattinkara.

2. The suit was one for partition in which a preliminary decree was passed so also final decree. Execution of final decree is being proceeded with. The petitioner points out that the suit is of the year 1997 and several years have elapsed and the execution proceedings has been pending for a long time and it causes considerable loss and injury to the petitioner. Only actual delivery is to be effected.

3. In the light of the fact that suit is of the year 1997 and it is quite unnecessary to deny the fruits of the decree to the petitioner.

This Original Petition is disposed of directing Addl. Munsiff's Court, Neyyattinkara to take up E.P. 227 of 2014 in O.S. 446 of 1997 and dispose of the same in accordance with law as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment. This judgment will not stand in the way of the court below considering and disposing of the petitions, if any, filed by the parties.

sb.

P. BHAVADASAN,  
JUDGE