

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

OP(C).No. 608 of 2015 (O)

IA NO.3166/2013 IN OS NO.20/2011 OF MUNSIF COURT, VARKALA

PETITIONER(S)/DECREE HOLDER, PLAINTIFF:

MANONMANI
D/O.PRABHAKARAN, LEKSHMIVILASAM, KADAKULAM
AYROOR, VARKALA, THIRUVANANTHAPURAM DISTRICT.

BY ADVS.SRI.R.ANILKUMAR
SRI.P.M.RAJAGOPAL

RESPONDENT(S)/DEFENDANTS:

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1. SHIBU,
S/O.GOPIDAS, SOBHANALAYAM, CHAVADIMUKKU
AYROOR, VARKALA, PIN-695 310.
 2. SHINU,
S/O.GOPIDAS, SOBHANALAYAM, CHAVADIMUKKU
AYROOR, VARKALA, PIN-695 310.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 608 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT P1 : THE TRUE PHOTOCOPY OF THE DECREE IN OS NO.20/2011 PASSED BY THE
MUNSIFF COURT, VARKALA ON 21-07-2012.

EXT P2 : THE TRUE PHOTOCOPY OF THE IA NO.3166/2013 REGARDING THE FINAL
DECREE

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

A.HARIPRASAD, J.

O.P.(C). No.608 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

Petition under Article 227 of the Constitution of India.

2. Prayers in the original petition read as follows:

“(a) to issue a direction or order commanding the Munsiff's Court, Varkala to pass final decree in the preliminary decree in OS No.20/11 as early as possible.

(b) to issue such other direction or order which deem fit for the facts and circumstances of the case to pass final decree in OS No.20/2011 by disposing of IA No.3166/2013 in OS No.20/2011 now pending before the Munsiff's Court, Varkala.”

3. Petitioner is the plaintiff in O.S.No.20 of 2011 pending before the Munsiff Court, Varkala. The suit is one for partition. A preliminary decree has been passed in the suit. Subsequently, petitioner filed an application, I.A.No.3166 of 2013, for passing final decree.

4. Heard the learned counsel for the petitioner.

5. Grievance of the petitioner is that the court below has not appointed a commissioner to measure out and divide the property in terms of the preliminary decree. Petitioner is also aggrieved by the prolongation

of the matter. Therefore she seeks a direction to the court below to dispose of the matter in a time bound manner.

6. On going through the averments in the petition and after hearing the learned counsel for the petitioner, I am of the view that no notice is required in this matter to the respondents and the petition can be disposed of in the following manner.

The learned Munsiff, Varkala is directed to appoint a commissioner to measure out and divide the property by metes and bounds in terms of the preliminary decree in the suit within a period of one month from today and see that the report is submitted by the commissioner before the court as expeditiously as possible, at any rate, within a period of six months thereafter.

A. HARIPRASAD, JUDGE.

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