

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. 636 of 2015 (O)

OS 345/2011 of ADDITIIONAL SUB COURT, PALAKKAD

PETITIONER(S):

1. MADHAVAN, AGED 80 YEARS  
S/O.LATE PAZHANIMALA, THOTTAKKARA, THENARI  
PALAKKAD DISTRICT.

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S):

1. ARUMUGAN, S/O.LATE PAZHANIMALA, RESIDING AT  
THOTTAKKARA, THENARI,  
PALAKKAD DISTRICT-679102.
2. BALACHANDRAN  
S/O.LATE PAZHANIMALA, RESIDING AT THOTTAKKARA, THENARI  
PALAKKAD DISTRICT. 679 102.
3. JAYARAMAN  
S/O.LATE PAZHANIMALA, RESIDING AT THOTTAKKARA, THENARI  
PALAKKAD DISTRICT. 679 102.
4. THANKA  
W/O.NARAYANAN, RESIDING AT THOTTAKKARA, THENARI  
PALAKKAD DISTRICT. 679 102.
5. SWAYAMPBABHA  
D/O.NARAYANAN, RESIDING AT THOTTAKKARA, THENARI  
PALAKKAD DISTRICT. 679 102.
6. RATHNAKUMARI  
W/O.CHANDRAN, RESIDING AT THOTTAKKARA, THENARI  
PALAKKAD DISTRICT. 679 102.

PJ

....2/-

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7. PREMKUMARI  
W/O.VISWANATHAN  
RESIDING AT AMBALAPURAM WEST YAKKARA  
PALAKKAD 678 001.
8. SANTHAKUMARI  
W/O.PARAMESWARAN, VAKKINICHELLA, KUTTIPPALLAM  
CHITTUR 678 101.
9. JAYANTHI  
W/O.SHAJI ELISSERI, THEKKEDESOM POST, CHITTUR 678 555.
10. LALITA  
D/O.NARAYANAN, THOTTAKKARA, THENARI  
PALAKKAD. 679 102.

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

PJ

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1. COPY OF THE PRELIMINARY DECREE DATED 21.7.12 IN OS 345/11 OF THE COURT OF THE SUBORDINATE JUDGE (ADDL) PALAKKAD.**
- EXHIBIT P2. COPY OF THE FDIA NO.2857/12 FILED BY THE PETITIONER IN OS 345/11 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE (ADDL) PALAKKAD.**
- EXHIBIT P3. COPY OF THE COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER ON 24.10.13 IN OS 345/11 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE (ADDL) PALAKKAD.**

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**P. BHAVADASAN, J.**

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O.P.(C). No. 636 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 final decree proceedings, i.e. I.A. 2857 of 2012 in O.S. 345 of 2011 pending before Sub Court, Palakkad.

2. The plaintiff instituted a suit for partition and a preliminary decree was passed and final decree proceedings are going on. In the final decree, a commissioner was deputed and he filed a report which was remitted once and he filed the second report. Again the third respondent sought remission of the commission report, that was allowed and the case was posted to 4.3.2015.

3. It appears that the petitioner is advanced in age and he prays for an early disposal of the final decree application.

4. In the nature 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 with a direction to the court below to take up the final decree application and dispose of the same as expeditiously as possible, at any rate, within a period of six 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