

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

OP(C).No. 652 of 2015 (O)

(OS 50/2011 of SUB COURT, ERNAKULAM)

PETITIONER:

ANNIE IGNATIUS, AGED 67 YEARS
W/O.IGNATIUS LUKOSE, CC 35/2076, ANNIETHOTTAM,
SOUTH PIPE LINE ROAD, PALARIVATTOM P.O.
COCHIN-682025.

BY ADVS.SRI.K.C.CHARLES
SRI.M.POLY MATHAI
SRI.VIMAL K.CHARLES
SMT.A.T.RENJU

RESPONDENTS:

1. CORPORATION OF COCHIN
PARK AVENUE, ERNAKULAM REPRESENTED BY ITS SECRETARY.
2. C.K.PETER,
EX-COUNCILOR, DIVISION NO.56, CHIRAMMEL HOUSE
THEVARA P.O., COCHIN-682013.
3. ROBERT PRAKASIA, AGED ABOUT 60,
S/O.LOUIZ PRAKASIA, ARAKKAL HOUSE, KONTHURUTHY
THEVARA P.O., COCHIN-13.
4. K.R.PAUL, AGED ABOUT 60 YEARS
S/O.RAPHAEL, KANICHUKUNNATH HOUSE, KONTHURUTHY SOUTH
END, THEVARA P.O., COCHIN-13.
5. SINEESH PAUL, AGED ABOUT 40,
S/O.K.R.PAUL, KANICHUKUNNATH HOUSE
KONTHURUTHY SOUTH END, THEVARA P.O., COCHIN-13.
6. EDWIN MATHEW, AGED ABOUT 52,
S/O.LATE THOMAS MATHEW, MELEPPARAMBIL HOUSE
THEVARA P.O., COCHIN-13
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER K.M.BABU
S/O.LATE THOMAS MATHEW, KOMAROTH, BHAGATH SINGH ROAD
VYTTILA P.O., COCHIN-682019, POONITHURA VILLAGE,
KANAYANNUR TALUK.

7. BETTY DAS, AGED ABOUT 50,
D/O.THOMAS MATHEW, MELEPPARAMBIL HOUSE, THEVARA P.O.
COCHIN-13
REPRESENTED BY HER POWER OF ATTORNEY HOLDER K.M.BABU
S/O.LATE THOMAS MATHEW, KOMAROTH, BHAGATH SINGH ROAD
VYTTILA P.O., COCHIN-682019, POONITHURA VILLAGE
KANAYANNUR TALUK.

8. SALU BENNY, AGED ABOUT 48,
D/O.THOMAS MATHEW, MELEPPARAMBIL HOUSE, THEVARA P.O.
COCHIN-13
REPRESENTED BY HER POWER OF ATTORNEY HOLDER K.M.BABU
S/O.LATE THOMAS MATHEW, KOMAROTH, BHAGATH SINGH ROAD
VYTTILA P.O., COCHIN-682019, POONITHURA VILLAGE
KANAYANNUR TALUK.

9. TOMY MATHEW, AGED ABOUT 46,
S/O.THOMAS MATHEW, MELEPPARAMBIL HOUSE, THEVARA P.O.
COCHIN-13
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER K.M.BABU
S/O.LATE THOMAS MATHEW, KOMAROTH, BHAGATH SINGH ROAD
VYTTILA P.O., COCHIN-682019, POONITHURA VILLAGE
KANAYANNUR TALUK.

10. K.M.BABU, AGED ABOUT 40,
S/O.LATE THOMAS MATHEW, KOMAROTH, BHAGATH SINGH ROAD
VYTTILA P.O., COCHIN-682019, POONITHURA VILLAGE
KANAYANNUR TALUK.

11. KONTHURUTHY SOUTH RESIDENTS' ASSOCIATION,
REGISTRATION NO.ER 459/2007, KONTHURUTHY, THEVARA P.O.
COCHIN-13, ELAMKULAM VILLAGE, KANAYANNUR TALUK
REPRESENTED BY ITS PRESIDENT GEORGE ALIAS SANTHOSH
S/O.GABRIEL, AGED ABOUT 40, PULICKAL HOUSE, KONTHURUTHY
THEVARA P.O., COCHIN-682013.

12. KERALA STATE ROAD TRANSPORT CORPORATION
REP.BY ITS MANAGING DIRECTOR
OFFICE OF THE KERALA STATE ROAD TRANSPORT CORPORATION
TRANSPORT BHAVAN, KIZHAKKEKKOTTA, TRIVANDRUM.

13. KONTHURUTHY-THEVARA VIKASANA SAMITHI BEARING
REGISTRATION NO.ER 562/11
HAVING ITS OFFICE AT A.K.G.MEMORIAL LIBRARY
KONTHURUTHY, THEVARA P.O., KOCHI-682013.

R1 BY ADV. SRI.RAAJESH S.SUBRAHMANIAN, SC, COCHIN
COPORATION

R12 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 652 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE PLAINT IN O.S.NO.50/2011.

EXHIBIT-P2: A TRUE COPY OF THE I.A.NO.7421/2011 IN O.S.NO.50/2011
DATED 5/12/2011 OF THE HON'BLE SUB COURT, ERNAKULAM.

EXHIBIT-P3: A TRUE COPY OF THE I.A.NO.384/2014 IN O.S.NO.50/2011
DATED 15/1/2014 OF THE HON'BLE SUB COURT, ERNAKULAM.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.652 OF 2015

Dated this the 10th day of March, 2015.

J U D G M E N T

The limited prayer made at the time of hearing of the petition is that there may be a direction to Sub Court, Ernakulam which is seized of O.S.No.50/2011 to dispose of Ext.P2 application filed by the petitioner. Ext.P2 is an application seeking appointment of a Commissioner to report certain matters.

2. The grievance of the petitioner is that three years have elapsed and the petition remains pending and in the meanwhile if the suit is listed for trial, that may cause prejudice to her. The petitioner therefore prays that there may be a direction to the court below to consider Ext.P2 petition on merits.

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

This original petition is disposed of directing the court below to take up Ext.P2 application and dispose it of on merits in

accordance with law as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment.

Sd/-

P.BHAVADASAN
JUDGE

smp