

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

OP(C).No. 665 of 2015 (O)

IN OS 357/2015 of MUNSIFF COURT, IRINJALAKUDA

PETITIONER(S):

1. JOSEPH, AGED 42 YEARS
S/O.PONMANISSERI JOHNY, VADAKUMURY DESOM
VARANTHARAPILLY VILLAGE, MUKUNDAPURAM TALUK
REP BY HIS POWER OF ATTORNEY HOLDER ANTU,
AGED 60, S/O.VELLANIPARAMBIL JOHNY, KUTTIKAD DESOM
PARIYARAM VILLAGE, THRISSUR DISTRICT
2. SIBI, W/O.PONMANISSERI JOSEPH,
VADAKUMURY DESOM
VARANTHARAPILLY VILLAGE MUKUNDAPURAM TALUK
REP BY HER POWER OF ATTORNEY HOLDER ANTU
S/O.VELLANIPARAMBIL JOHNY, KUTTIKAD DESOM
PARIYARAM VILLAGE, THRISSUR DISTRICT

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. JOHNSON, AGED 45 YEARS
S/O.JOSEPH, THIYYADI HOUSE, VADAKUMURY DESOM
VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.
2. MOHANAN, AGED 43 YEARS, S/O.JOHN,
PADINJATTUKARAN HOUSE, VADAKUMURY DESOM
VARANTHARAPILLY VILLAGE MUKUNDAPURAM TALUK - 680001.
3. PAULSON, S/O.DEVASSY, AGED 52 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.
4. SHAJI, S/O.KUZHIYANIMATTATHIL MATHEW, AGED 40 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.
5. RONI, S/O.THOTTIYAN ANTHONI, , AGED 35 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.
6. SUNNI, S/O.MOOZHIKULAM ANTHONI, AGED 40 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.

OP(C).No. 665 of 2015 (O)

**7. AUGUSTHY, S/O.MANGALATH HOSEPH,, AGED 52 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.**

**8. PAUL, S/O.PUTHENCHIRAKARAN LONAPPAN, AGED 55 YEARS
VADAKUMURY DESOM, VARANTHARAPILLY VILLAGE
MUKUNDAPURAM TALUK - 680001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ds

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE POWER OF ATTORNEY EXECUTED BY THE ORIGINAL PETITIONERS DATED 18.2.2015
- P2- A TRUE COPY OF THE PLAINT IN OS NO. 357 OF 2015 DATED 24.1.2015 BEFORE THE MUNSIF COURT, IRINJALAKUDA
- P3- A TRUE COPY OF HTE COMMISSIONER'S REPORT AND PLAN FILED IN OS NO. 357 OF 2015 AS PER THE ORDER IN IA NO. 763 OF 2015 DATED 29.1.2015.
- P4- A TRUE COPY OF THE ORDER OF INJUNCTION PASSED IN I.A NO. 762 OF 2015 IN OS NO. 357 OF 2015 DATED 24.1.2015 ON THE FILE OF THE MUNSIF COURT, IRINJALAKUDA
- P5- A TRUE COPY OF THE APPLICATION AS IA NO.1245 OF 2015 IN IA NO. 762 OF 2015 IN OS NO. 357 OF 2015 DATED 13.2.2015 ON THE FILE OF THE MUNSIF COURT, IRINJALAKUDA
- P6- A TRUE COPY OF THE IA NO. 1249 OF 2015 IN IA NO. 762 OF 2015 IN OS NO. 357 OF 2015 DATED 13.2.2015 ON THE FILE OF THE MUNSIF COURT, IRINJALAKUDA

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

PA. TO JUDGE

ds

P.BHAVADASAN, J.

O.P.(C) No. 665 of 2015

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioners as plaintiffs instituted O.S.No.357/2015 against the defendants for injunction and damages.

2. The case of the plaintiffs was that the defendants by their high handed action, demolished a portion of northern and eastern compound wall of their property and thus caused damages to the compound wall. Along with the suit, they filed interlocutory application and a Commission was also taken out. Ext.P3 is the Commissioner's report. It shows the demolition of the compound wall as claimed by the plaintiffs. Ext.P4, interim injunction was granted by the court below against the defendants.

3. Complaining of further violation of the order of injunction, the petitioner filed a petition to take action against them Order XXXIX Rule 2(a). Petitioners also filed Ext.P5 application seeking Police aid for implementation of the order. They also filed Ext.P6 petition to have the

property restored to its original state as on the date of the suit. The complaint of the petitioners is that Exts.P5 and P6 are lying unattended to and that causes irreparable loss and injury to the petitioner.

4. The only prayer made at the time of hearing of the petition is for a direction to the court below to dispose them of as expeditiously as possible.

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

This petition is disposed of directing the court below to take up Exts.P5 and P6 petitions said to have been filed by the petitioners as early as possible and dispose them of in accordance with the law, after hearing both sides, as expeditiously as possible, at any rate, before the summer vacation.

**P.BHAVADASAN
JUDGE**

ds