

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. 667 of 2015 (O)

IN I.A. NO. 2719/2014 IN O.S. NO.311/2014 OF MUNSIF COURT, PAYYANNUR

PETITIONER(S):

**PALLIPATH MOIDEEN KUTTY, AGED 31 YEARS,
S/O. MANGATTU PUTHIYAPURAYIL MAHAMOOD,
AGED 31 YEARS, PALLIPATH HOUSE,
KOTTOOR, SREEKANDAPURAM P.O.,
SREEKANDAPURAM AMSOM KOTTOOR DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.V.T.MADHAVANUNNI
SRI.V.A.SATHEESH**

RESPONDENT(S):

- 1. CHANDAN NARAMKULANGARA,
S/O. MATHI, AGED 61 YEARS,
NARAMKULANGARA HOUSE, PANAPPUZHA P.O.,
PANAPPUZHA AMSOM, PARAVOOR DESOM,
KANNUR TALUK, KANNUR DISTRICT.**
- 2. VENU NARAMKULANGARA, S/O. MATHI, AGED 53 YEARS,
NARAMKULANGARA HOUSE, PANAPPUZHA P.O.,
PANAPPUZHA AMSOM, PARAVOOR DESOM,
KANNUR TALUK, KANNUR DISTRICT.**
- 3. ARJUNLAL, S/O. VENU, AGED 26 YEARS,
NARAMKULANGARA HOUSE, PANAPPUZHA P.O.,
PANAPPUZHA AMSOM, PARAVOOR DESOM,
KANNUR TALUK, KANNUR DISTRICT.**

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

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APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1: COPY OF THE PLAINT IN O.S. NO. 311/2014 ON THE FILE OF MUNSIF COURT, PAYYANNUR.
- EXT.P2: COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN O.S. NO. 311/2011 ON THE FILE OF MUNSIF'S COURT, PAYYANNUR.
- EXT.P3: COPY OF THE AFFIDAVIT IN SUPPORT OF THE PETITION IN I.A. NO. 2719/2014 IN O.S. NO. 311/2014 ON THE FILE OF MUNSIF COURT, PAYYANNUR.
- EXT.P4: COPY OF THE COUNTER I.A. NO. 2719/2014 IN O.S. NO. 311/2014 ON THE FILE OF MUNSIF COURT, PAYYANNUR.
- EXT.P5: COPY OF THE REPORT AND EYE SKETCH SUBMITTED BY THE COMMISSIONER IN O.S. NO. 266/2013 ON THE FILE OF MUNSIF COURT, PAYYANNUR.
- EXT.P6: COPY OF THE REPORT AND EYE SKETCH SUBMITTED BY THE COMMISSIONER IN O.S. NO. 311/2014 ON THE FILE OF MUNSIF COURT, PAYYANNUR.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

PA. TO JUDGE

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P.BHAVADASAN, J.

O.P.(C) No. 667 of 2015

Dated this the 11th day of March, 2015

J U D G M E N T

So unfortunate is the situation reflected in this case.

2. A petition which was filed for interim relief as early as on 01.12.2014, still remains unattended to for unknown reasons. The petitioner moved a suit for mandatory injunction to fill up the pit which has been dug by the defendants. He also moved an interlocutory application for interim mandatory relief for the same purpose. The complaint is that even though several months have elapsed, the interlocutory application has not been taken up and heard and that causes irreparable loss and injury to the petitioner. The petitioner therefore seeks a direction to dispose of the same.

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

This petition is allowed and the Munsiff Court, Payyannur is directed to take up I.A.No.2719/2014 in O.S.No. 311/2014 and dispose of the same in accordance with law, after hearing both parties, as expeditiously as possible, at any rate, before summer vacation.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge