

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

OP(C).No. 691 of 2015 (O)

OS.NO. 697/2014 OF II ADDL.MUNSIFF COURT, THIRUVANANTHAPURAM

PETITIONER/3RD DEFENDANT :

JUDE ANGEL SUDHEER,
S/O.ANTONY D' CRUZ, REGINTON HOUSE, TC 44/583,
VALLAIKADAVU, VALIYATHURA, THIRUVANANTHAPURAM.

BY ADVS.SRI.B.MOHANLAL
SMT.P.S.PREETHA

RESPONDENT(S)/PLAINTIFFS AND DEFENDANTS 1 AND 2 :

1. NANCY MIRANDA,
D/O.LATE SHRI MR.DECRUZ AND MARIAN D'CRUZ,AGED 77 YEARS,
RESIDING AT NUMBER 436, UJONG PASR, MALACCA.
2. ELISTEN D'CRUZ,
S/O.LATE SILVESTER D'CRUZ @ SILVADIMA, AGED 61 YEARS,
MARGERET HOUSE,TC 45/1011,
CHERIATHURA, THIRUVANANTHAPURAM.
3. CELINE WILFRED,
W/O.LATE WILFRED SEBASTIAN,AGED 75 YEARS,
ADVOCATE CELWILL,CHERIATHURA, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM.
4. J.S.PRAKASH,
S/O.LATE P.J.JOSEPH, AGED 55 YEARS, RESIDING AT PLOT. NO.31,
SANTHOSH NAGAR, MUTTADA P.O., KUDAPPANAKUNNU VILLAGE,
THIRUVANANTHAPURAM.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).No. 691 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE PLAINT IN OS 697/14

EXT.P-2: TRUE COPY OF THE WRITTEN STATEMENT IN OS. 697/14

EXT.P-3: TRUE COPY OF THE INJUNCTION ORDER DATED 8.4.14

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

/TRUE COPY/

P.S.TO JUDGE

sts

P. BHAVADASAN, J.

O.P.(C). No. 691 of 2015

Dated this the 27th day of March, 2015.

JUDGMENT

The limited prayer in this Original Petition is for a direction to the Munsiff's Court, Thiruvananthapuram to take up and dispose of O.S. 697 of 2014 as early as possible.

2. Petitioner is the third defendant in O.S. 697 of 2014 before the Munsiff's Court, Thiruvananthapuram. The suit is one for declaration, recovery of possession and prohibitory injunction.

3. As per the plaint averments, 20 cents of property belonged to the parents of the plaintiffs. The parents of the plaintiffs executed a settlement deed in favour of the sister of the first plaintiff and her husband Lasar D'Cruz. The parents executed another settlement

deed in favour of the first plaintiff and her husband with respect to 17 cents of property out of 37 cents. The said 17 cents is shown as B schedule.

4. The first defendant is alleged to have purchased plaint A schedule property in the year 1970. There is some dispute regarding the actual extent of property in favour of the first defendant and disputes arose between the parties.

5. The petitioner would say that the suit is a collusive one to defeat his rights and the delay in disposal of the suit causes irreparable loss and injury to him. It is also stated that the pleadings are complete and the suit is ripe for trial.

6. In the light 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 directing the Munsiff's Court, Thiruvananthapuram to take up O.S. 697 of 2014 immediately after summer vacation and dispose of the suit as expeditiously as possible, at any rate, within six months from the date of re-opening of the court after summer vacation. It is made clear that this direction will not preclude the court below from entertaining any application or considering any pending application before it in accordance with law.

sb.

P. BHAVADASAN,
JUDGE