

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

OP(C).No.722 of 2015 (O)

OS NO.1542/2012 of PRL.SUB COURT,THRISSUR.

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PETITIONER:

SANTHOSH,AGED 41 YEARS,S/O.PRABHAKARAN,
VIRUTHYPARAMBIL HOUSE,EAST KODALY DESOM,
VELLIKULANGARA VILLAGE,MUKUNDAPURAM TALUK,
REP. BY POWER OF ATTORNEY HOLDER
PRABHAKARAN,S/O.VIRUTHYPARAMBIL KOCHERKAN,
EAST KODALY DESOM,VELLIKULANGARA VILLAGE,
MUKUNDAPURAM TALUK,THRISSUR DISTRICT.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN

RESPONDENTS:

1. VIJAYALAKSHMISUSHEEL,MARATTU HOUSE,
PERINGAVU VILLAGE DESOM,THRISSUR-680001.
2. KERALA STATE FILM DEVELOPMENT CORPORATION,
CHALACHITHRAKALABHAVAN,VAZHUTHAKKAD,
THIRUVANANTHAPURAM,REP BY ITS SECRETARY-695001.
3. KERALA STATE FINANCIAL CORPORATION,
THRISSUR,REP BY MANAGER,THRISSUR-680001

R1 BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN
R2 BY ADV.SRI.A.SUDHI VASUDEVAN
R3 BY SRI.T.V.GEORGE, SC, KFC

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 22-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

pk

OP(C).No.722 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

- P1: A TRUE COPY OF AMENDED PLAINT IN OS NO.1542 OF 2012 BEFORE THE HONOURABLE SUB COURT, THRISSUR DTD 24/9/2014.
- P2: A TRUE COPY OF AGREEMENT ENTERED BETWEEN THE PETITIONER AND FIRST RESPONDENT DTD 30/9/2009.
- P3: A TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE RESPONDENT 1 AND 2 DTD NIL.
- P4: A TRUE COPY OF IA NO.7444 OF 2012 IN OS NO.1542 OF 2012 DTD 22/8/2012 BEFORE THE HONOURABLE SUB COURT, THRISSUR.
- P5: A TRUE COPY OF IA NO 2910 OF 2013 IN OS NO.1542 OF 2012 DTD 2/3/2013 BEFORE THE HONOURABLE SUB COURT, THRISSUR.
- P6: A TRUE COPY OF IA 4681 OF 2014 IN OS NO.1542 OF 2012 DTD 22/8/2014 BEFORE THE HONOURABLE SUB COURT, THRISSUR.
- P7: A TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT IN OP NO 2998 OF 2014 DTD 10/10/2014.
- P8: A TRUE COPY OF THE COMMON ORDER IN IA NO.2910 OF 2013 AND IA NO.7444 OF 2012 IN OS NO.1542 OF 2012 PASSED BY THE COURT OF PRINCIPAL SUB JUDGE, THRISSUR DTD 9/1/2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

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O.P.(C) No.722 of 2015
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Dated this the 22nd day of May, 2015

J U D G M E N T

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A suit for specific performance is pending. The suit is presently in the list. Two CMAs are pending before the First Additional District Court, Thrissur on the orders passed by the court below in two I.As in the suit. The apprehension of the petitioner is that the decision rendered by the court below on the I.As are as good as the decisions rendered on the issues involved in the case. Over and above it, according to the petitioner, he wants to produce certain documents in the suit before the court below.

2. Heard both sides. It seems that it was as per the orders of this Court to dispose of the suit within six months from the date date of receipt of a copy of judgment dated 10.10.2014, the court below has listed the suit.

3. On hearing either side, this Court is of the view

that the court below can be directed to dispose of the suit independently, quite untrammelled by any of the observations made by the court below in those orders which are under challenge in the CMAs. Over and above it, in the interest of justice, a period of 15 days' time from today can be granted to the petitioner to produce those documents in the suit before the court below. The court below shall take the suit for trial on completion of one month from today.

OP(Civil) is disposed of accordingly.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/22/05

// True Copy //

PA to Judge