

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

OP(C).No. 743 of 2015 (O)

-----  
AGAINST THE ORDER IN IA NO.74/2014 IN AS NO. 39/2009 of SUB COURT, TIRUR DATED  
21.02.2014

PETITIONER(S) (9TH RESPONDENT IN AS):

-----  
PALLATHIL BALACHANDRAN, S/O.KRISHNAN NAIR,  
NEELAT PARAMMAL KANDIYIL, AZHINJILAM AMSOM,  
PUTHUKODE DESOM, MALAPPURAM DISTRICT.

BY ADVS.SRI.T.SETHUMADHAVAN (SENIOR ADVOCATE)  
SRI.PUSHPARAJAN KODOTH  
SRI.K.JAYESH MOHANKUMAR  
SMT.VANDANA MENON  
SMT.N.DEEPA

RESPONDENT(S) (APPELLANTS & R1 TO R8 IN AS):

- 
1. ELLATH SANKARANARAYANA PANIKER  
S/O.KALYANIKUTTY AMMA, AZHINHILAM AMSOM,  
PUTHUKODE DESOM, ERNAD TALUK-673515.
  2. ELLATH SREEKUMARI AMMA, W/O.SANKUNNI NAIR.  
CHELEMBRA AMSOM, DESOM, P.O.CHELEMBRA-673515
  3. ELLATH SREE RAMANI AMMA, W/O.GOPALAKRISHNA MENON,  
OZHUR AMSOM DESOM, P.O.OZHUR
  4. ELLATH PADMAVATHI AMMA, W/O.CHINNAN @  
NARAYANANKUTTY NAIR, AZHINHILAM AMSOM,  
PUTHUKODE DESOM, ERNAD TALUK-673515.
  5. ELLATH PRABHAKARA PANIKER,  
S/O.KALYANIKUTTY AMMA, AZHINHILAM AMSOM,  
PUTHUKODE DESOM, ERNAD TALUK-673515.
  6. ELLATH JAYALAKSHMI AMMA,  
D/O.KALYANIKUTTY AMMA, AZHINHILAM AMSOM,  
PUTHUKODE DESOM, ERNAD TALUK-673515.
  7. ELLATH KALYANIKUTTY AMMA, D/O.PADMAVATHI AMMA,  
VAZHAYUR AMSOM, PUTHUKODE DESOM, ERNADU TALUK-673515

8. ELLATH GOPALAKRISHNA PANICKER, S/O.PADMAVATHI AMMA,  
VAZHAYUR AMSOM, PUTHUKODE DESOM, ERNADU TALUK.
9. ELLATH PURUSHOTHAMA PANICKER, S/O.PADMAVATHI AMMA,  
VAZHAYUR AMSOM, PUTHUKODE DESOM, ERNADU TALUK-673515.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-03-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C) NO.743/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DECREE AND JUDGMENT IN OS NO.10/2007 ON THE FILE OF THE MUNSIFF COURT, PARAPPANANGADI, DATED 16.12.2009

EXT.P2 TRUE COPY OF THE APPEAL MEMORANDUM IN AS NO.39/2009 ON THE FILE OF THE SUBORDINATE JUDGES COURT, TIRUR

EXT.P3 TRUE COPY OF THE AFFIDAVIT AND PETITION FILED BY THE PETITIONER AS IA NO.1726/2014

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

**A.HARIPRASAD, J.**

-----  
**O.P.(C) No.743 of 2015**  
-----

**Dated this the 19<sup>th</sup> day of March, 2015**

**JUDGMENT**

Petition under Article 227 of the Constitution of India.

2. Petitioner is the 9<sup>th</sup> respondent in A.S.No.39 of 2009 pending before the Sub Court, Tirur. The decree under challenge in the appeal is the one passed by the Court of Munsiff, Parappanangadi in O.S.No.10 of 2007. The suit is one for partition of the properties. The appeal is against the preliminary decree. Petitioner, the 9<sup>th</sup> respondent in the appeal, is a purchaser of the property involved in the dispute hoping that he could use the property as access to his residential compound. Grievance of the petitioner is that delay in disposing of the appeal causes hardship to him. Hence he requests for an early disposal of the appeal.

3. On going through the averments in the petition and after hearing the learned counsel for the petitioner, I am of the view that no notice is required in this matter to the respondents and the petition can be disposed of in the following manner.

The learned Sub Judge, Tirur is directed to dispose of

A.S.No.39 of 2009 pending before the court, within a period of three months from the date of re-opening the court after summer vacation.

**A. HARIPRASAD, JUDGE.**

**cks**