

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. 744 of 2015 (O)

I.A.NO.1096/2014 IN IN O.S.NO. 174/2014 of MUNSIF COURT,VARKALA

PETITIONER(S)/1ST PLAINTIFF:

RASIYA, AGED 57 YEARS, W/O.ABDUL JALEEL,
518, MUTTIYANVILA, EDAVA VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENT(S)/DEFENDANTS & 2ND PLAINTIFF:

1. SHARAFUDEEN, AGED 69 YEARS, S/O.M.H.MOHAMMED KUNJU,
CHEKKALA VEEDU, EDAVA VILLAGE-695311.
2. SPPHIA, W/O.SHARAFUDEEN, MUTTIYANVILAM,
EDAVA VILLAGE-695311.
3. LAILA, D/O.M.P.ABDUL KAREEM, PERUTHAVILAKOM
EDAVA VILLAGE-695311.
4. HILAL, S/O.MOOSA KUNJU, VILAYIL, MANTHARA
EDAVA VILLAGE-695311.
5. JAHANGHEER, S/O.MOHAMMED ISMAIL, PERUTHAVILAKOM
EDAVA VILLAGE-695311.
6. BASHEER, S/O.ABDUL KHADAR, MATHIRA HOUSE, KAYALPURAM,
EDAVA VILLAGE-695311.
7. BIJILI, S/O.ABDUL AZIZ, KOLLAMVILAKOM, EDAVA VILLAGE-695311.
8. AZIL JALEEL, S/O.ABDUL JALEEL, KUTTIYANVILA,
EDAVA VILLAGE-695311.

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

OP(C0 NO.744/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF PLAINT DATED 27.3.2014 IN OS NO.174/2014 BEFORE THE MUNSIF COURT, VARKALA

EXT.P2 TRUE COPY OF IA NO.1096/2014 DATED 27.3.2014 IN OS NO.174/2014 BEFORE THE MUNSIF COURT, VARKALA

RESPONDENTS' EXHIBITS:

NIL

//TRUE COPY//

A.HARIPRASAD, J.

O.P.(C) No.744 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

Petition under Article 227 of the Constitution of India.

2. The 1st plaintiff in O.S.No.174 of 2014 pending before the Munsiff Court, Varkala is the petitioner. The suit is one for restraining the defendants from evicting the petitioner by force from the plaint schedule building without taking a legal process. Grievance of the petitioner is that the application for temporary injunction filed as I.A.No.1096 of 2014 has not been considered by the court below so far. It is submitted that only defendants 1 and 3 remained to be served and all other defendants are served in the application. The apprehension of the petitioner is that during the summer vacation, the defendants may eject him from the plaint schedule building by force. Hence the petitioner requests for an early disposal of the injunction application.

Considering the nature of contentions raised by the petitioner, I am of the view that no notice is required in this case to the respondents and the petition can be disposed of with the following directions.

Learned Munsiff, Varkala is directed to consider the injunction application, I.A.No.1096 of 2014 in O.S.No.174 of 2014, which stands posted on 21.03.2015, before the closure of the civil courts on vacation.

A. HARIPRASAD, JUDGE.

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