

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

OP(C).No. 818 of 2015 (O)

O.S.NO.511/2013 OF MUNSIFF COURT, THALASSERY

PETITIONER :

M.K.GOPALAN,
S/O. KANNAN NAIR, RESIDING AT RENISHALAYAM,
IRIVERI AMSOM, DESOM, P.O.IRIVERI, KANNUR TALUK,
KANNUR DISTRICT-670 613.

BY ADV. SRI.P.K.MADHUSOODANAN
SRI.BINOY KRISHNA.P.M.

RESPONDENT(S):

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1. VALIYARAMBATH NARAYANI @ KORUMBI,
D/O. BAPPU, RESIDING AT KELOTH KUNNUBRAM PANERICHAL,
IRIVERI AMSOM, DESOM P.O., IRIVERI, KANNUR TALUK,
KANNUR DISTRICT-670 613.
 2. VALIYARAMBATH YESODA,
D/O. BAPPU, KELOTH POYI PANERICHAL, P.O.IRIVERI,
IRIVERI AMSOM, DESOM, KANNUR TALUK,
KANNUR DISTRICT-670 613.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).No. 818 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE COPY OF THE PLAINT IN OS NO.511/2013 FILED BEFORE THE MUNSIF COURT, THALASSERY.
- P2 : COPY OF THE ORDER DTD. 25.11.2013 IN IA NO.2954/2013 IN OS.511/2013 PASSED BY THE HON'BLE COURT OF THE MUNSIF, THALASSERY.
- P3 : COPY OF THE ADVOCATE COMMISSIONER REPORT ALONG WITH SKETCH PLAN OF THE PLAINT SCHEDULE PROPERTIES.
- P4 : COPY OF THE ORDER DTD. 30.11.2013 ISSUED BY THE HON'BLE MUNSIF, THALASSERY.
- P5 : COPY OF THE IA NO.1332/2014 IN OS .511/2013 FILED BEFORE THE HON'BLE MUNSIF COURT, THALASSERY.
- P6 : COPY OF THE ADDITIONAL COMMISSION REPORT DTD. 6.6.2014 ALONG WITH THE NOTICE AND 5 PHOTOS PRODUCED BEFORE THE HON'BLE MUNSIF COURT, THALASSERY.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

P. BHAVADASAN, J.

O.P.(C). No. 818 of 2015

Dated this the 24th day of March, 2015.

JUDGMENT

At the time when the matter was being heard, the limited prayer made by the petitioner is for a direction to the Munsiff's Court, Thalassery to consider Ext.P5 application filed by the petitioner under Order 39 Rule 2A of the Code of Civil Procedure and dispose of the same as expeditiously as possible.

2. The petitioner who is the owner of plaint A schedule property laid claim of easement right to use the pathway which according to him runs through the property of the defendants. Along with the suit, the plaintiff moved an application for interim relief. Impressed by the materials before it, the court below granted an ad interim order of injunction. When that was violated, the petitioner moved

for police aid. That was also granted. Still things did not improve and the obstruction continued and therefore he filed the above application under Order 39 Rule 2A of the Code. That has been pending for more than an year and the petitioner says that his grievance remains unredressed and he is not able to enjoy the fruits of the orders. He therefore prays that there may be a direction to the court below to dispose of the suit as expeditiously as possible.

3. After having given anxious consideration to the various aspects and having heard counsel for the petitioner, it is felt that the request made is just and reasonable.

4. In the nature 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 court below to take up and dispose of the petition filed under Order 39 Rule 2A of the Code as expeditiously as

possible and then expedite the trial of the suit and dispose of the suit within six months from the date of receipt of a copy of this judgment.

sb.

P. BHAVADASAN,
JUDGE