

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP(C) .No. 832 of 2015 (O)

(I.A.642/2014 IN O.S.NO.35/2014 OF THE SUB COURT, NORTH PARAVUR)

PETITIONER/1ST DEFENDANT:

PRECIOUS BLOOD MISSIONARIES
A SOCIETY REGISTERED UNDER THE KARNATAKA SOCIETIES
REGISTRATION ACT, 1960, REGISTRATION NO.359/87-88, BANGALORE
DISTRICT, 'ARADHANA', BANNERGATTA ROAD, BANGALORE-560076,
REPRESENTED BY ITS PRESIDENT, FR.S.JOHN BOSCO, AGED 54
YEARS, S/O. M. SANDAHO.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/PLAINTIFF:

NISHANT LUIZ, S/O. M.J. LUIZ, AGED 35 YEARS, BUSINESS,
RESIDING AT MUKKADAYIL HOUSE, METALEX ROAD, ERNAKULAM,
COCHIN-682018.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) 'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE PLAINT IN O.S NO.35/2014 FILED BY THE PLAINTIFF BEFORE THE SUB COURT, NORTH PARAVUR WIHTOUT DOCUMENTS.

EXHIBIT P2: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN O.S. NBO.35/2014 BEFORE THE SUB COURT, NORTH PARAVUR.

EXHIBIT P3: TRUE OCP OF THE COUNTER AFFIDAVIT FILED BY THE DEFENDANTS IN I.ANO.642/2014 IN O.S 35/2014 BEFORE THE SUB COURT, NORTH PARAVUR.

EXHIBIT P4: TRUE COPY OF AGREEMENT FOR SALE DEED DATED 29.4.2011 EXECUTED BETWEEN PLAINTIFF AND 1ST DEFENDANT.

EXHIBIT P5: TRUE COPY OF THE REPLY NOTICE ATED 10.3.2015 ISSUED BY K. NARAYANAN ADVOCATE FOR ANTONY JOSEPH.

EXHIBIT P6: TRUE COPY OF THE REPLY NO.155/14 ALD-VO DATED 19.6.2014 ISSUED BY THE VILLAGE OFFICER,ALANGAD TO THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P.BHAVADASAN, J.

O.P.(C) No. 832 of 2015

Dated this the 25th day of March, 2015.

JUDGMENT

The limited prayer in this original petition under Article 227 of the Constitution of India is for a direction to dispose of I.A.No.642 of 2014 in O.S.No.35 of 2014 in accordance with law within a time limit as fixed by this Court.

2. The petitioner points out that even though the written statement was filed as early as in May 2014, so far issues in the suit are not framed nor listed the case for trial. The petitioner therefore prayed there may be a direction to the court below to dispose of I.A.No.642 of 2014 in O.S.No.35 of 2014 and also O.S.No.35 of 2014 on merits as early as possible.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondent is unnecessary.

This petition is allowed and the Sub Court, North Paravur

is directed to take up I.A.No.642 of 2014 in O.S.No.35 of 2014 and also O.S.No.35 of 2014 and dispose it of in accordance with law, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment.

**Sd/-
P.BHAVADASAN
JUDGE**

Scl.