

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. 836 of 2015 (O)

(I.A.NO.2714 OF 2014 IN OS 795/2014 OF THE MUNSIF COURT,
THALIPARAMBA)

PETITIONER/RESPONDENT/DEFENDANT:

JOHN PAUL JOSE, AGED 28 YEARS
S/O. C.P. JOSEPH, CHENNATTU HOUSE,
VEMBUVA, PAYYAVOOR AMSOM, DESOM,
PAYYAVOOR P.O, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADVS.SRI.MATHEW KURIAKOSE
SRI.G.GIREESH

RESPONDENT/PETITIONER/PLAINTIFF:

PAYYAVOOR DEVASWOM,
REPRESENTED BY ITS EXECUTIVE OFFICER,
PAYYAVOOR, PAYYAVOOR AMSOM, DESOM,
PAYYAVOOR P.O, TALIPARAMBA TALUK,
KANNUR DISTRICT- 670633.

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.795 OF 2014 ON THE FILES OF THE MUNSIFF'S COURT, TALIPARAMBA.

EXHIBIT P2: TRUE COPY OF THE AFFIDAVIT IN I.A.NO.2714 OF 2014 IN O.S.NO.795 OF 2014 ON THE FILES OF THE MUNSIFF'S COURT, TALIPARAMBA.

EXHIBIT P3: TRUE COPY OF THE EXPARTE ORDER DATED 8.10.2014 OF TEMPORARY INJUNCTION IN I.A.NO.2714 OF 2014 IN O.S.NO.795 OF 2014 ON THE FILES OF THE MUNSIFF'S COURT, TALIPARAMBA.

EXHIBIT P4: TRUE COPY OF THE COUNTER STATEMENT IN I.A.NO.2714 OF 2014 IN O.S.NO.795 OF 2014 ON THE FILES OF THE MUNSIFF'S COURT, TALIPARAMBA.

EXHIBIT P5: TRUE COPY OF THE COMMISSION REPORT AND SKETCH DATED 8.12.2014 IN O.S.NO.795 OF 2014 ON THE FILES OF THE MUNSIFF'S COURT, TALIPARAMBA.

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

Scl.

P.BHAVADASAN, J.

O.P.(C) No. 836 of 2015

Dated this the 25th day of March, 2015.

JUDGMENT

The limited prayer in this petition under Article 227 of the Constitution of India is for a direction to the Munsiff's Court, Taliparamba to take up I.A.No.2714 of 2014 in O.S.No.795 of 2014 and dispose it of on merits within a time limit to be fixed by this Court.

2. The petitioner is the defendant in the suit and he suffered an ex-parte order of injunction in I.A.No.2714 of 2014 as per the order dated 8.10.2014. The petitioner entered appearance and filed a counter affidavit as early as on 4.11.2014 and sought for hearing of the temporary injunction petition on merits.

3. It is pointed out that in spite of the statutory time limit fixed by the Code has elapsed, nothing is done in I.A.2714 of 2014 and it is pending.

This petition is disposed of directing the Munsiff Court,

Taliparamba to take up I.A.2714 of 2014 in O.S.No.795 of 2014 dispose it of in accordance with law after hearing both the parties, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

**Sd/-
P.BHAVADASAN
JUDGE**

Scl.