

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

OP(C).No. 852 of 2015 (O)

A.S.NO.117/2014 OF SUB COURT, IRINJALAKUDA

PETITIONER(S) :

- 1. SAJEEV, AGED 35 YEARS,
S/O.POKARUPARAMBIL SREEDHARAN,
NOW RESIDING AT ILLIKAT DESOM, KATTOOR VILLAGE,
MUKUNDAPURAM TALUK, THANISSERY DESOM,
MANAVALASSERY VILLAGE, MUKUNDAPURAM TALUK.**
- 2. SABITHA, AGED 25 YEARS,
W/O.SAJEEV, NOW RESIDING AT ILLIKAT DESOM,
KATTOOR VILLAGE, MUKUNDAPURAM TALUK, THANISSERY DESOM,
MANAVALASSERY VILLAGE, MUKUNDAPURAM TALUK.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S) :

- 1. HEMACHANDRAN, AGED 50 YEARS,
S/O.KASIVALAPIL BHASKARAN, ADOOR VILLAGE DESOM,
MUKUNDAPURAM TALUK, PIN-680 001.**
- 2. INDIRA, AGED 43 YEARS,
W/O.KASIVALAPIL MADHU, D/O. KADAVIL RAGHAVAN,
ADOOR VILLAGE DESOM, MUKUNDAPURAM TALUK- 680 001.**
- 3. RAVEENDRAN, AGED 61 YEARS,
S/O.KADAVIL RAGHAVAN, ADOOR VILLAGE DESOM,
MUKUNDAPURAM TALUK-680 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 852 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : A TRUE COPY OF THE JUDGMENT IN O.S.NO.952 OF 2011 ON THE FILE OF THE ADDITIONAL MUNSIFF COURT, IRINJALAKUDA, DATED 15.07.2014.

P2 : A TRUE COPY OF THE APPEAL MEMORANDUM IN A.S.NO.117 OF 2014 DATED 26.08.2014 ON THE FILE OF THE SUB COURT, IRINJALAKUDA.

P3 : A TRUE COPY OF I.A.NO.1010 OF 2015 IN EXT.P2 DATED 21.03.2015 ON THE FILE OF THE SUB COURT, IRINJALAKUDA.

P4 : A TRUE COPY OF THE APPLICATION I.A.NO.1009 OF 2015 IN EXT.P3 DATED 21.03.2015 ON THE FILE OF THE SUB COURT, IRINJALAKUDA.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 852 of 2015

Dated this the 26th day of March, 2015

J U D G M E N T

The petitioners instituted O.S.No. 952/2011 claiming a right to use the pathway and seeking permanent prohibitory injunction against the defendant in the suit. The suit was dismissed. Petitioners filed an appeal as A.S.No. 117/2014 before the Sub Court, Irinjalakkuda.

2. It is pointed out by the learned counsel for the petitioners that a status quo order was passed at the time of admission of the appeal and that was in force. On the day on which the appeal was posted for hearing, it so happened that marriage of the son of the counsel for the appellants was fixed and therefore adjournment was sought for on that ground. The adjournment was refused and the appeal was dismissed. On the very next day itself, a restoration application has been filed.

3. Now the petitioners apprehend that taking advantage of the dismissal of the appeal, pathway may be tampered with.

This petition is disposed of directing that the interim order passed by the lower appellate court on the earlier occasion shall be in force till the restoration application is considered on merits.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge