

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. 855 of 2015 (O)

(OS 18/2014 of MUNSIF COURT,PERINTHALMANNA)

PETITIONER/2ND DEFENDANT:

P. ZAINABHA, W/O. MUHAMMED, AGED 60 YEARS,
'ABHILASH', P.O. PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADVS.SRI.U.K.DEVIDAS
SMT.P.M.SHAHIDA

RESPONDENT/PLAINTIFF:

M.A. ZAFARULLA, S/O. M.A. BAVA HAJI,
AGED 47 YEARS, 'VAFIK', CHANDAPPADI, PONNANI,
VELLEERI, MALAPPURAM DISTRICT - 679 576.

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

O.P.(C) 855/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF PLAINT IN O.S.18/2014 OF MUNSIFF COURT,
PATHANAMTHITTA.
- EXT. P2 : COPY OF INJUNCTION ORDER DTD.28.01.14 IN
I.A.179/14.
- EXT. P3 : COPY OF COUNTER STATEMENT FILED BY PETITIONER IN
I.A.179/14.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.855 OF 2015

Dated this the 26th day of March, 2015.

J U D G M E N T

This is a petition filed under Article 227 of the Constitution of India seeking a direction to the court below to dispose of I.A.No.179/2014 in O.S.No.18/2014 on merits and in accordance with law, after hearing the parties.

2. The petitioner is the 2nd defendant in the suit namely, O.S.No.18/2014. The suit was filed by the respondent for permanent prohibitory injunction. Along with the suit, the respondent-plaintiff filed I.A.No.179/2014 for interim injunction which was granted by the court below. The petitioner entered appearance and filed her counter.

3. The grievance of the petitioner is that in spite of statutory mandate, I.A.No.179/2014 has not been heard on merits and it is kept pending and that causes considerable hardship to the petitioner. She therefore prays that there may be a direction to dispose of the said application in accordance

with law.

4. As rightly pointed out by the learned counsel appearing for the petitioner, after having issued an ex parte interim order of injunction, the court below was bound as per the provisions of the Code of Civil Procedure to dispose of the application within 30 days of the order. The court below has not done so and it kept the application pending even though the petitioner has filed counter affidavit to the application long ago.

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

This original petition is disposed of directing the Munsiff Court, Perinthalmanna to take up I.A.No.179/2014 in O.S.No.18/2014 and dispose of the same as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. Every attempt may be made by the said court to dispose of the suit as expeditiously as possible.

Sd/-

P.BHAVADASAN
JUDGE

smp