

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 869 of 2015 (O)

C.M.A.97/07 OF 1ST ADDITIONAL DISTRICT COURT, THRISSUR.

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PETITIONER/1ST RESPONDENT:

RADHA, AGED 66 YEARS, W/O.KRISHNANKUTTY,
CHITTATHPRAMBIL HOUSE, PUZHAKKAL VILLAGE,
MUTHUVARA DESOM, THRISSUR TALUK,
THRISSUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENTS/APPELLANT & RESPONDENTS 2 & 3:

1. VENU, S/O.KADAVIL, KRISHNANEZHUTHASSAN,
PALISSERY VILLAGE, CHERUVATHERI DESOM,
THRISSUR TALUK, THRISSUR DISTRICT - 680 027.
2. VILASINI, W/O.LATE KADAVIL RAMAN,
PALISSERY VILLAGE, CHERUVATHERI DESOM,
THRISSUR TALUK, THRISSUR DISTRICT - 680 027.
3. UNNIKRISHNAN, S/O.LATE RAMAN,
KADAVIL HOUSE, PALISSERY VILLAGE,
CHERUVATHERI DESOM, THRISSUR TALUK,
THRISSUR DISTRICT - 680 027.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

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APPENDIX

EXT.P1: TRUE COPY OF IA 6822/2008 IN OS 341/05 BEFORE THE PRINCIPAL MUNSIFF COURT, THRISSUR.

EXT.P2: TRUE COPY OF IA 6821/08 IN OS 341/05 BEFORE THE PRINCIPAL MUNSIF COURT, THRISSUR.

/TRUE COPY/

P.S.TO JUDGE

mbr/

P.BHAVADASAN, J.

O.P.(C) No. 869 of 2015

Dated this the 07th day of April, 2015

J U D G M E N T

This is a petition filed under Article 227 of the Constitution of India for a direction to the First Additional District Court, Thrissur to dispose of C.M.A.No. 97/2009 within a time limit to be fixed by this Court.

2. The suit was one for partition in which preliminary decree was passed. Subsequently, final decree has also been passed. Thereafter, the first respondent is alleged to have filed I.A.No. 6822/2008 to set aside the exparte decree with a petition to condone the delay. That application was rejected by the trial court. C.M.A.No.97/2009 was filed challenging the said order.

3. It is submitted by the petitioner that C.M.A. has been pending for long and there is no justification for the court to have kept pending the appeal for so long. the pendency of the same may cause considerable difficulties

and inconvenience to him and he is unable to enjoy the fruits of the decree. He therefore prays that there may be a direction to the court concerned to dispose of C.M.A.No.97/2009 within a time limit to be fixed by this Court.

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

This petition is disposed of directing the First Additional District Court, Thrissur to take up C.M.A.No. 97/2009 and dispose it of on merits, in accordance with law, after hearing both parties, within a period of three months from the date of re-opening of the court after summer vacation

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge