

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYASHTA, 1937

OP(C).No.881 of 2015 (O)

**E.P.NO.39/2013 IN OS NO.221/1985 OF THE MUNSIFF'S COURT,
VADAKKANCHERRY.**

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PETITIONERS:

1. FATHIMA BEEVI,D/O.PARAKKAL GIFFERI THANGAL,
VATTIKKATTIRI,NEDUPURA,TALAPPALLY,THRISSUR.
2. AYSHA BEEVI,D/O.PARAKKAL GIFFERI THANGAL, -DO-
3. ZAINALABDEEN,S/O.PARAKKAL GIFFERI THANGAL, -DO-
4. HALEEMA BEEVI,D/O.PARAKKAL GIFFERI THANGAL, -DO-
5. MOHAMMED SHARAFI,D/O.PARAKKAL GIFFERI THANGAL -DO-

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT:

**K.A.YUSEF,S/O.KUTTIHASSAN,ALIKKAPARAMBIL HOUSE,
P.O.VETTIKATTIRI,THRISSUR-679531.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 25-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.881 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE DECREE AND DECREE SCHEDULE IN O.S.221/1985
OF MUNSIFF COURT,VADAKKANCHERRY.**

**EXT.P2:TRUE COPY OF THE COMMISSION REPORT ALONG WITH C1(B)PLAN IN
O.S.221/1985 OF MUNSIFF COURT,VADAKKANCHERRY.**

**EXT.P3:TRUE COPY OF DECREE DT.21-12-1996 IN A.S.91/1990 OF DISTRICT
COURT,TRICHUR.**

**EXT.P4:TRUE COPY OF JUDGMENT AND DECREE IN S.A.545/1997 DT.28-10-2009
OF THIS HON'BLE COURT.**

**EXT.P5:TRUE COPY OF E.P.39/2013 FILED BY THE PETITIONERS IN O.S
NO.221/1985,DT.31-12-2012.**

**EXT.P6:TRUE COPY OF OBJECTION DT 3-6-2013 FILED BY THE RESPONDENT IN
E.P.39/2013.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

.....
O.P.(C) No.881 of 2015
.....

Dated this the 25th day of May, 2015

J U D G M E N T

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The decree in question was passed on 08.02.1990. In OS.221/1985, the decree-holder, who has obtained a decree after long legal battle, cannot be deprived of his reliefs under the decree. The court below is directed to trace out the original plan. In case it is not available, the court below shall explore the possibility of reconstructing the Commission report and plan.

With the said directions, this OP(Civil) is disposed of. The court below shall expedite the proceedings and dispose of the matter, as expeditiously as possible, at any rate, within four months from today.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/05

// True Copy //

PA to Judge