

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(C).No. 891 of 2015 (O)

OS 313/2008 of MUNSIF COURT, MANJERI

PETITIONER(S):

1. KUNJAN @ KALLAI MUHAMMADALI , AGED 62 YEARS
S/O.MOYIN, NEAR NILAMBOOR POLICE STATION,
NILAMBOOR.
2. MUHAMMED @ PALAKKAL KUNJU, AGED 67 YEARS,
S/O.Veerankutty, Chungathara Desom, Chungathara.P.O.,
NILAMBOOR.

BY ADVS.SRI.DINESH R.SHENOY
SMT.K.K.JYOTHILAKSHMY
SRI.SANIL JOSE

RESPONDENT(S):

CHANGARATH AYISHA,
AGED 56 YEARS, D/O.MAMMOOTTY @ MAMMADKUTTY,
MUTTANGADAN HOUSE, KUTTIMANDA, PANNIPPADAM,
P.O.POOKOTTUMANNA, VIA NILAMBOOR - 679334.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

vmr.

OP(C).No. 891 of 2015 (O)

APPENDIX

PETITIONERS EXHIBIT

**EXHIBIT P1: THE TRUE COPY OF THE PLAINT IN O.S. NO.313/2008 FILED BEFORE
THE MUNSIFF COURT, MANJERI.**

EXHIBIT P2: TRUE PHOTOCOPY OF DOCUMENT NO.2838/1951.

**EXHIBIT P3: TRUE PHOTOCOPY OF WRITTEN STATEMENT FILED BY DEFENDANTS
11, 13 TO 19, 21, 23, 37 TO 40 DATED 11/03/2009 IN OS.NO.313/2008,
MUNSIFF COURT, MANJERI.**

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P.BHAVADASAN, J.

O.P.(C) No. 891 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

The petitioners, who are defendant Nos. 39 and 40 in a suit for partition instituted in the year 2008, have come up before this Court with the original petition under Article 227 of the Constitution of India for a direction to dispose of the suit as expeditiously as possible.

2. The above defendants contend that the plaintiff has no manner of right over the suit property and it is an experimental suit. It is also pointed out that all steps are complete and the suit is ripe for trial. The pendency of the suit, according to them, causes considerable difficulties and inconvenience to him. The court below simply keeps on adjourning the suit even though it could be listed and disposed of.

3. In the light of the order that is proposed to be passed on this petition, it is felt that notice to the

respondents is unnecessary.

The Munsiff Court, Manjeri is directed to take up O.S. 313/2008 and include it in the list soon after summer vacation and dispose of the suit as expeditiously as possible, at any rate, within a period of six months from the date of inclusion of the suit in the list, provided, the suit is ripe for trial. This order will not preclude the court below from entertaining any petition and disposing it of in accordance with law.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge