

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

OP(C).No. 901 of 2015 (O)

E.P. NO.189/2014 IN O.S. NO.274/2012 OF MUNSIFF COURT, PALAKKAD.

.....

PETITIONER(S):

KRISHNADAS, S/O.LATE RAMANKUTTY,
AGED 45 YEARS, KARAMPARAMBU VEEDU,
VADASSERY DESOM, THADUKKASSERY AMSOM,
KERALASSERY, PALAKKAD.

BY ADV. SRI.RAJESH SIVARAMANKUTTY.

RESPONDENT(S):

DEVAYANI, W/O.JANANADAS,
AGED 43 YEARS, CHOONDAYIL KUNNIL,
VADASSERY DESOM, THADUKKASSERY AMSOM,
KERALASSERY, PALAKKAD-678 001.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 31-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

OP(C).No. 901 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 COPY OF THE E.P.NO.189/2014 IN O.S. NO.274/2012 ON THE
FILE OF THE MUNSIFF COURT, PALAKKAD.

EXT.P2 COPY OF THE ORDER DATED 23/10/2013 IN OP(C) NO.3644/2013
PASSED BY THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. BHAVADASAN, J.

O.P.(C). No. 901 of 2015

Dated this the 31st day of March, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India seeking the following reliefs:

- "i. To direct issuance of the certified copies of the decree and judgment in O.S. No. 274/2012 on the file of the Munsiff's Court, Palakkad within a time frame fixed by this Hon'ble Court.
- ii. To stay Ext.P1 for a period until the certified copies of decree and judgment in O.S. No. 2274/2012 is obtained."

2. Petitioner is the defendant in O.S. 274 of 2012 on the file of Munsiff's Court, Palakkad, who suffered a decree for eviction. Petitioner contends that though he had filed an application for issuance of certified copy of the judgment and decree, he has not received it so far. In the meantime, execution has been taken out and execution proceedings are in progress. The petitioner points out that

before he gets the certified copy of the judgment and decree, the execution proceedings culminates evicting him from the premises, that will cause irreparable loss and injury to him. He, therefore, prays that the court below may be directed to issue certified copy of the judgment and decree in O.S. 274 of 2012 within a time limit.

3. In the nature of the order that is proposed to be passed in this Original Petition, notice to the respondent appears to be unnecessary.

This Original Petition is disposed of directing Munsiff's Court, Palakkad to issue certified copy of the judgment and decree in O.S. 274 of 2012 within ten days from today and during that period, execution proceedings shall stand stayed.

sb.

P. BHAVADASAN,
JUDGE