

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. 907 of 2015 (O)

(OS 275/2014 of MUNSIF COURT, ALATHUR)

PETITIONER:

THOMAS, S/O. ULAHANNAN KUNNATHOLIL, AGED 67 YEARS,
RESIDING AT HOUSE No.KP 5/585, CHERUKUNNAM,
ELAVAMPADAM, KIZHAKKENCHERY,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.BABY MATHEW

RESPONDENT:

ANNAKUTTY, D/O. PALLIYELIMALIL MATHAI,
AGED 55 YEARS, RESIDING AT AROGIAPURAM, KORENCHIRA P.O.,
KIZHAKKENCHERY, ALATHUR TALUK, PALAKKAD DISTRICT-678 541.

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

O.P.(C) 907/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF PLAINT IN O.S.275/2014 OF MUNSIFF COURT,
ALATHUR DTD.12.6.14.

EXT. P2 : COPY OF AGREEMENT FOR SALE ENTERED INTO
BETWEEN THE PETITIONER AND RESPONDENT
DTD.16.11.2013.

EXT. P3 : COPY OF LAWYER NOTICE DTD.7.5.14.

RSPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.907 OF 2015

Dated this the 31st 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 Munsiff Court, Alathur to dispose of O.S.No.275/2014 pending before that court.

2. The petitioner instituted a suit namely, O.S.No.275/2014 for specific performance based on a sale agreement said to have been executed by the defendant. The defendant entered appearance and sought time for filing written statement. Even though there were several postings, the defendant did not file written statement and the matter is being adjourned from time to time.

3. The petitioner points out that he has paid a major portion of the sale consideration and he has taken loan from the Bank. It is pointed out that the delay in the matter causes irreparable loss and injury to him. Therefore, he prays that there may be a direction to dispose of the suit as expeditiously as

possible.

4. 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, Alathur to take up O.S.No.275/2014 and dispose it of on merits in accordance with law as expeditiously as possible provided there are no impediments to do so. It is made clear that the order that the suit shall be disposed of as expeditiously as possible will not stand in the way of the court below entertaining any petition in the suit and disposing the same in accordance with law.

Sd/-

**P.BHAVADASAN
JUDGE**

smp