

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. 937 of 2015 (O)

A.S.NO.106/2008 OF SUB COURT, NEYYATTINKARA

PETITIONER(S) :

1. **CHELLAMMA VALSALA, AGED 54 YEARS,
HINDU, MAKKAVAZHI, NADAR, CHATHALAM PATTU,
GIREESH BHAVAN, PALLICHAL DESOM, DO.VILLAGE.**
2. **SUNIL KUMARI, AGED 36 YEARS,
D/O.VALSALA, CHATHALAM PATTU,
GIREESH BHAVAN, PALLICHAL DESOM, DO.VILLAGE.**
3. **HAREESH KUMAR, AGED 34 YEARS,
S/O.SUKUMARAN, HINDU, MAKKAVAZHI, NADAR,
CHATHALAM PATTU, GIREESH BHAVAN,
PALLICHAL DESOM, DO.VILLAGE.**
4. **ANIL KUMAR, AGED 32 YEARS,
S/O.SUKUMARAN, HINDU, MAKKAVAZHI, NADAR,
CHATHALAM PATTU, GIREESH BHAVAN,
PALLICHAL DESOM, DO.VILLAGE.**

BY ADV. SRI.R.GOPAN

RESPONDENT(S) :

1. **PARAMESWARAN PILLAI, AGED 65 YEARS,
MOHANAKUMAR, HINDU, MAKKAVAZHI, NAIR,
ELANKATHU VEEDU, PALLICHAL DESOM,
PALLICHAL VILLAGE- 695 004.**
2. **OMANA AMMA VIJAYAKUMARI AMMA,
AGED 57 YEARS, HINDU, MAKKAVAZHI, NAIR,
ELANKATHU VEEDU, PALLICHAL DESOM,
PALLICHAL VILLAGE- 695 004.**
3. **VELAYUDHAN NAIR SANTHOSH KUMAR,
AGED 36 YEARS, HINDU, MAKKAVAZHI, NAIR,
SANTHOSH BHAVAN, PALLICHAL DESOM,
FROM MANNARAKKALAVILA PUTHEN VEEDU,
PALLICHAL DESOM, PALLICHAL VILLAGE- 695 004.**

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4. VIJAYAKUMAR AMMA SEENA KUMARI,
AGED 34 YEARS, HINDU, MAKKAVAZHI, NAIR,
SANTHOSH BHAVAN, PALLICHAL DESOM,
FROM MANNARAKKALAVILA PUTHEN VEEDU,
PALLICHAL DESOM, PALLICHAL VILLAGE- 695 004.
5. VIJAYAN, AGED 49 YEARS,
S/O.THANKAMMA, HINDU, MAKKAVAZHI,
MANNARAKKALVILA ROADARIKATHU VEEDU,
SANTHOSH BHAVAN, PALLICHAL DESOM,
FROM MANNARAKKALAVILA PUTHEN VEEDU,
PALLICHAL DESOM, PALLICHAL VILLAGE- 695 004.
6. MANJUSHA, AGED 39 YEARS,
D/O.RADHA, HINDU, MAKKAVAZHI,
MANNARAKKALVILA ROADARIKATHU VEEDU,
SANTHOSH BHAVAN, PALLICHAL DESOM,
FROM MANNARAKKALAVILA PUTHEN VEEDU,
PALLICHAL DESOM, PALLICHAL VILLAGE- 695 004.
7. DIVAKARAN RAJENDRAN, AGED 61 YEARS,
FARMER, HINDU, MAKKAVAZHI, ATHIRALAYAM,
PAROOR OF SANTHOSH BHAVAN, PALLICHAL DESOM,
FROM MANNARAKKALAVILA PUTHEN VEEDU,
PALLICHAL DESOM, PALLICHAL VILLAGE- 695 004.

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

Msd.

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: PHOTOCOPY OF THE DECREE DATED 27.05.2008 IN
O.S.NO.610/2007 PASSED BY THE MUNSIFF'S COURT,
NEYYATTINKARA.**

**EXHIBIT P2: PHOTOCOPY OF THE APPEAL A.S.NO.106/2008 FILED BY
THE RESPONDENTS BEFORE THE SUBORDINATE JUDGE'S
COURT, NEYYATTINKARA DATED 14.08.2008.**

**EXHIBIT P3: PHOTOCOPY OF THE E.P.NO.304/2008 IN O.S.NO.610/2007 FILED BY
THE PETITIONERS BEFORE THE MUNSIFF COURT,
NEYYATTINKARA.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 937 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

The limited prayer in this original petition is for a direction to the Sub Court, Neyyattinkara to take up A.S.No. 106/2008 pending before it and dispose it of in accordance with law.

2. The suit was of the year 2007 in which a preliminary decree was passed. It is pointed out that the defendants in the suit are challenging the preliminary decree and A.S.No. 106/2008 has been pending from 2008 onwards. The pendency of the appeal causes considerable loss and injury to the petitioner as he is not able to proceed with the matter. He therefore prays for a direction to the lower appellate court to dispose of the appeal as expeditiously as possible.

3. 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 Sub Court, Neyyattinkara to take up A.S.No. 106/2008 pending before it, provided, it is ripe for trial and no petitions are pending for consideration and dispose it of within a period of three months from the date of re-opening of the court after summer vacation and this will not preclude the court below from entertaining any petitions in accordance with law.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge