

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. 940 of 2015 (O)

AS 5/2013 OF DISTRICT COURT, ALAPPUZHA

PETITIONER(S):

KOCHU THRESSIA, D/O.LATE CHEEKU,
MANAKKATTU HOUSE, AROOR P.O., PIN-688534.

BY ADV. SRI.S.VAIDYANATHAN

RESPONDENT(S):

1. M.C.XAVIER, S/O.LATE CHEEKU,
MANAKKATTU HOUSE, AROOR VILLAGE,
AROOR P.O. (APW VI/769), PIN-688534.
2. LOYID JUDE, S/O.LATE M.C.LAWRENCE, AROOR VILLAGE,
AROOR P.O. PIN-688534.
3. ANTONY TERANCE, S/O.LATE LAWRENCE, AROOR VILLAGE,
AROOR P.O. PIN-688534.
4. JANICE ANN @ JANIEE JENSON, ARACKKAL HOUSE,
PALLICHAL ROAD, THOPPUMPADY, KOCHI, PIN-682 005.
5. ANJU TRESSA @ ANJU JAISON, B-16,
KHB COLONY PUTENHALLY, BANGALORE.
6. MARIA ANUSHA @ ANUSHA PRADEESH,
KOIKKAMULATHU HOUSE, SDPY ROAD (19/1300, DEEPHY),
PALLURUTHY, KOCHI-682 006.

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

PJ

OP(C).No. 940 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE APPEAL AS.5/13 OF THE DISTRICT COURT, ALAPPUZHA

P2: COPY OF AFFIDAVIT DATED 23/5/14 BEFORE THE DISTRICT COURT

P3: COPY OF ORDER 1/1/15 OF THE DISTRICT COURT, ALAPPUZHA

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No. 940 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

In this original petition, the relief sought for is as follows:

“(i) Direct the District Judge, Alappuzha to dispose of Ext.P1 Appeal A.S.No. 5 of 2013 within a time limit to be fixed by this Hon'ble court.”

2. The first respondent herein filed O.S.No. 17/2009 for setting aside a document in respect of plaint schedule property. In the suit, respondents 2 and 3 raised counter claim for partition and separate possession. The suit was dismissed and counter claim was decreed. The first respondent has filed A.S.No. 5/2013 before the District Court, Alappuzha challenging the dismissal of his suit and also against the decree in the counter claim. That is pending.

3. It is pointed out that the appeal is not being made ripe for trial deliberately by not taking necessary steps to

have the service completed on some of the respondents who are the children of the appellant. Under these circumstances, the petitioner had moved Ext.P2 before the lower appellate court for directing the appellant to take such steps as are necessary. The court below passed an order which is produced as Ext.P3. The grievance is that in spite of the said order, nothing has transpired and the matter still carries on as before. Under these circumstances, it is prayed that there may be a direction to expedite the disposal of the appeal.

This petition is disposed of directing the court below to insist that the appellant should take such steps as are necessary to have the service completed within a time frame and thereafter dispose of the appeal, after it has become ripe, within a period of six months.

Sd/-
P.BHAVADASAN
JUDGE