

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. 944 of 2015 (O)

**I.A.NO.984/2012 IN F.D.I.A.NO.989/1980 IN O.S.NO.99/1966 OF SUB COURT
(PRINCIPAL), PALAKKAD**

PETITIONER(S) :

**VASUDEVAN, AGED 78 YEARS,
S/O.LATE.KRISHNAN, KAVALODE, N.S.S.COLLEGE POST,
NEMMARA, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S) :

- 1. SUKUMARAN, AGED 55 YEARS,
S/O.KRISHNAN, OONINCHUVATTIL VEEDU,
MELARCODE, ALATHUR, PALAKKAD- 678 703.**
- 2. DIWAKARAN,
S/O.AYYAPPAN, 42/476, MATHAYIMANJOORAN ROAD,
PACHALAM, KOCHI- 682 012.**
- 3. SETHUMADHAVAN,
KADAMPIDI, CHITTILENCHERRY, ALATHUR, PALAKKAD- 678 541.**
- 4. ARAVINDAKSHAN,
ALINGAL HOUSE, KADAMPIDI, CHITTILENCHERRY,
ALATHUR, PALAKKAD- 678 541.**
- 5. RAJESH, S/O.PREMAKUMARAN,
KARAMPADAM, MUDAPPALLUR, ALATHUR, PALAKKD- 678 705.**
- 6. RAGHAVAN,
KARAMPADAM, MUDAPPALLUR, ALATHUR, PALAKKAD- 678 705.**

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

OP(C).No. 944 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE I.A.NO.984/2012 IN F.D.I.A.NO.989/1980 IN
O.A.NO.99/1966 OF THE COURT OF SUB COURT (PRINCIPAL),
PALAKKAD PREFERRED BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 944 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 court below to take up and dispose of Ext.P1 application said to have been filed by the petitioner against the auctioning of the property by the receiver.

2. The suit was one for partition in which a preliminary decree was passed and final decree proceedings are pending. The petitioner would say that the final decree proceedings are being unnecessarily dragged on and he is unable to enjoy the fruits of the decree. Under these circumstances, he was constrained to file Ext.P1 petition.

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 court below to take up Ext.P1 application as early as possible and dispose

of the same in accordance with law, after hearing all the parties, within a period of one month from the date of reopening of the court after summer vacation.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge