

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

OP(C).No. 948 of 2015 (O)

(OS 297/2013 of MUNSIF COURT, CHENGANNUR)

PETITIONER:

A.BABU, AGED 72 YEARS, S/O. KOCHUMATHEN,
ANCHUKANDAM VELIL HOUSE, VAZHARMANGALAM MURI,
CHENGANNUR VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.K.JAYARAJ

RESPONDENT:

A.K.EAPEN, AGED 74 YEARS,
S/O. A.E. KOCHUVARGHESE,
ANCHUKANDAM VELIL HOUSE,
VAZHARMANGALAM MURI, CHENGANNUR VILLAGE,
CHENGANNUR TALUK - 676 003.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 948/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF PLAINT IN O.S.297/2013.

EXT. P2 : COPY OF GIFT DEED.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.948 OF 2015

Dated this the 6th day of April, 2015.

J U D G M E N T

The petitioner who is the defendant in the suit has approached this Court with a grievance that an application namely, I.A.No.1748/2013 filed in O.S.No.297/2013 by the plaintiff for temporary injunction has been kept pending by the court below and it is being adjourned from time to time affecting the interest and rights of the petitioner and causing serious prejudice to him.

2. The suit namely, O.S.No.297/2013 is one for injunction restraining the defendant from trespassing into the plaintiff's scheduled property. Along with the suit, the plaintiff is said to have filed I.A.No.1748/2013 for temporary injunction.

3. The defendant entered appearance and he filed counter to the application. Due to the pendency of the application, it is claimed that the defendant is unable to deal with his property and this causes considerable difficulties to him. It is therefore

prayed that there may be a direction to dispose of the injunction application 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 court below to take up the injunction application namely, I.A.No.1748/2013 pending in O.S.No.297/2013 and dispose of the same in accordance with law, after hearing both parties, and on merits. The matter shall be disposed of within a period of one month from the date of re-opening of the court after summer vacation.

Sd/-

**P.BHAVADASAN
JUDGE**

smp