

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 969 of 2015 (O)

OS 311/2014 OF MUNSIF COURT, KANJIRAPPALLY

PETITIONER(S)/PLAINTIFFS:

1. GOSPEL FOR ASIA, A RELIGIOUS CHARITABLE TRUST,
MANJADI P.O., KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT REPRESENTED BY ITS MANAGING TRUSTEE
AND PRESIDENT METROPOLITAN BISHOP DR.K.P.YOHANNAN,
AGED 64, S/O.LATE CHACKO PUNNOOSE, RESIDING AT GOSPEL FOR ASIA
SEMINARY CAMPUS, PUNNAKUNNAM MURI, KUTTAPPUZHA VILLAGE,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, THROUGH HIS
POWER OF ATTORNEY HOLDER, JACOB POTHEN, AGED 56,
S/O.LATE T.K.POTHEN, THERADIYIL HOUSE, NIRANAM WEST .P.O.,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.
2. JACOB C.PHILIP, AGED 57, S/O.LATE C.V.PHILIP,
GENERAL MANAGER, BC CHERUVALLY ESTATE,
ERUMELY SOUTH P.O., ERUMELY SOUTH VILLAGE,
KANJIRAPPALLY TALUK, KOTTAYAM DISTRICT.

BY ADVS.SRI.CHERIAN GEE VARGHESE
SRI.P.HARIDAS
SMT.S.SIKKY
SRI.P.C.SHIJIN

RESPONDENT(S)/DEFENDANTS:

1. MANASWINI MAHADEVAN, 60 YEARS,
NOUVELIL HOUSE, CHENAPPADI KARA, ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.
2. BALAN PILLAI, 58 YEARS, S/O.GOPALAN PILLAI,
RET.BANK EMPLOYEE, THURUTHIPALLIL HOUSE,
CHENAPPADI KARA, ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.

PJ

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3. THOMAS @ GERMAN THANKACHAN, 50 YEARS,
S/O.VARKEY, BUSINESS, VATTAPPALLIL HOUSE,
CHENAPPADI KARA, ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.
4. PRAKASH, 40 YEARS, CHITTI BUSINESS,
S/O.SAHADDEVAN, KOLAMALA HOUSE, CHENAPPADI KARA,
ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.
5. P.V.RAJAN, 45 YEARS, COMPUTER JOB,
S/O.VELAYUDHAN, PUTHENPURAYKKAL HOUSE,
CHENAPPADI KARA, ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.
6. ARJUNAN, 55 YEARS, EX-SERVICE, AGRICULTURE,
MATTATHAZHE HOUSE, CHENAPPADI KARA,
ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.
7. BABU, 50 YEARS, AGRICULTURE, S/O.KUTTAN,
KARIMBIL HOUSE, CHENAPPADI KARA,
ERUMELI SOUTH VILLAGE,
KANJIRAPPALLI TALUK-636507.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

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APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE PLAINT IN OS.311/14 DATED 25/10/14**
- P2: COPY OF THE INJUNCTION ORDER PASSED IN IA.1308/14 IN OS.311/14 DATED 27/10/14**
- P3: COPY OF THE COMMISSION REPORT FILED IN OS.NO.311/14 DATED 14/11/14**
- P4: COPY OF THE IA.404/15 IN OS.311/14 DATED 24/10/15**
- P5: COPY OF THE IA.403/15 DATED 24/10/15**
- P6: COPY OF THE IA.402/15 DATED 24/3/15**

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.BHAVADASAN, J.

O.P.(C) No. 969 of 2015

Dated this the 07th day of April, 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 from this Court to the Munsiff Court, Kanjirappalli to take up Exts. P4 and P5 petitions which are I.A.No.404/2015 and I.A.No. 403/2015 in O.S.No. 311/2014 and dispose them of as expeditiously as possible.

2. The petitioners instituted a suit as O.S.No. 311/2014 for permanent prohibitory injunction. They were able to get an interim order of injunction. The complaint is that the said order is violated and therefore they had to file petition for restoration of the demolished portion and also to take action against the respondents for violating the order of injunction which are Exts.P4 and P5 petitions. Petitioners say that these petitions are lying unattended to and it is necessary that the above petitions be disposed of at

the earliest.

4. 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 Munsiff Court, Kanjirappalli to take up Exts. P4 and P5 petitions made mention of above and dispose them of as expeditiously as possible, at any rate, within a period of three months from the date of re-opening of the court after summer vacation.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge