

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. 976 of 2015 (O)

I.A. NO. 374/2015 IN IA NO.1208/1999 IN OS NO. 58/1997 OF SUB COURT, KOCHI

PETITIONER /2ND PLAINTIFF :

**PADMAVATHY,
AGED 65 YEARS
D/O. LATE KRISHNAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE
KOCHI – 682 006.**

**BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHUKRISHNAH**

RESPONDENTS/RESPONDENTS/DEFENDANTS :

- 1. MOHANAN
S/O. LATE SREENIVASAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.**
- 2. SUNIL
S/O. LATE SREENIVASAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.**
- 3. PUTHI
W/O. LATE SREENIVASAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.**
- 4. RAMACHANDRAN
S/O. LATE PADMANABHAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.**

5. REGHU
S/O. LATE GOPALAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.
6. RUGMINI
W/O. LATE NARAYANAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.
7. RADHA @ MANI
W/O. LATE NARAYANAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.
8. BABU,
S/O. LATE SUBHADRA
RESIDING AT THAYYATTU HOUSE
KADAMAKKUDI, ERNAKULAM – 682 027.
9. SASI
S/O. LATE SREENIVASAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.
10. CHANDRAN
S/O. LATE RAMAN
RESIDING AT PALLIVATHUKKAL PARAMBU
VADAKKUMTHODAM LANE,
KOCHI – 682 006.

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

Mn

...3/-

OP(C).No. 976 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE I.A. NO. 374/2015 IN IA NO. 1208/1999 IN OS NO. 58/1997
AND THE INJUNCTION SCHEDULE ON THE FILES OF THE LEARNED
SUBORDINATE JUDGES COURT, KOCHI ALONG WITH THE
INJUNCTION SCHEDULE.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.BHAVADASAN, J.

O.P.(C) No. 976 of 2015

Dated this the 07th day of April, 2015

J U D G M E N T

The petitioner along with another person as plaintiffs in the suit has obtained preliminary decree for partition and final decree proceedings were initiated. A Commission was deputed and he partitioned by metes and bounds allotting shares to various sharers. In the meanwhile, a person who was not a party to the suit, stating that her property is included in the plaint schedule, instituted an appeal before the appellate court for obtaining leave and there was a stay of further proceedings in the suit.

2. While the matter thus stood, the defendants in the suit who suffered a decree trespassed into a portion of the property and began to put a structure thereon. That necessitated proceedings to be taken by the petitioner. He approached the Police first and with the intervention of the Police, intruders were directed to obtain leave of the court.

Without doing so, they again started construction in the property. That led to the filing of I.A.No.374/2015 by the petitioner herein for necessary relief.

3. The grievance is that, that petition remains unattended to and that causes irreparable loss and injury to the petitioner. The petitioner therefore prays that there may be direction to dispose of the said petition.

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 Sub Court, Kochi to take up I.A.No. 374/2015 in I.A.No.1208/1999 in O.S.No. 58/1997 and dispose it of as expeditiously as possible, after hearing both sides, at any rate, within a period of two months from the date of re-opening of the court after summer vacation.

Sd/-
P.BHAVADASAN
JUDGE