

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.BHAVADASAN**

**WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937**

**OP(C).No.1005 of 2015 (O)**

**OS NO.573/2012 OF THE SUB COURT,ALAPPUZHA.**

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**PETITIONERS/DEFENDANTS 2 & 3:**

1. **AJITH MATHEW (EDAYADI HOUSE),  
ST.IMPERIAL RESIDENCY JANATHA ROAD,  
VYTTILA,ERNAKULAM-682019.**
2. **PRIYAAJITH (EDAYADI HOUSE),  
ST.IMPERIAL RESIDENCY JANATHA ROAD,  
VYTTILA,ERNAKULAM-682019.**

**BY ADVS.SRI.L.RAM MOHAN  
SRI.M.AUBREY ABRAHAM ISAAC**

**RESPONDENTS/PLAINTIFFS 1 TO 5/ADDITIONAL PLAINTIFFS 6 TO 9:**

1. **SOSAMMA VARGHESE,W/O.LATE E.K.VARGHESE,  
EDAYADI,SEA VIEW WARD,ALAPPUZHA,  
WEST VILLAGE,ALAPPUZHA-688012.**
2. **DR.SUNNY VARGHESE,S/O.LATE E.K.VARGHESE EDAYADI,  
SEA VIEW WARD,ALAPPUZHA,  
NOW AT PRAYIKKARA,MAVELIKKARA VILLAGE.**
3. **SIBI VARGHESE,S/O.LATE E.K.VARGHESE EDAYADI,  
JUBILEE ROAD,ALLAPPUZHA WEST VILLAGE,  
ALAPPUZHA (DIED).**
4. **CHAKKO VARGHESE,S/O.LATE E.K.VARGHESE EDAYADI,  
SEA VIEW WARD ALAPPUZHA WEST VILLAGE,NOW AT  
NALAM MILE,KEEZHUMADU PANCHAYATH,  
ERUMATHALA P.O.,ALUVA-683112.**
5. **JOSEPH VARGHESE,S/O.LATE E.K.VARGHESE EDAYADI,  
SEA VIEW WARD,ALAPPUZHA WEST VILLAGE,  
ALAPPUZHA-688012,REP. BY HIS POWER OF ATTORNEY HODER &  
WIFE MAYA JOSEPH.**
6. **MAREENA SIBI,W/O.SIBY VARGHESE,EDAYADI,  
JUBILEE ROAD,ALLAPPUZHA (W) VILLAGE,  
ALLAPPUZHA-683112.**

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7.     **VARGHESE.S EDAYADI,S/O.SIBI VARGHESE EDAYADI,  
JUBILEE ROAD,ALAPPUZHA (W) VILLAGE,  
ALLAPPUZHA-683112.**
8.     **MATHEW S.EDAYADI,S/O.SIBI VARGHESE EDAYADI,  
JUBILEE ROAD,ALAPPUZHA (W) VILLAGE,  
ALLAPPUZHA-683112.**
9.     **KURIAN.S EDAYADI,S/O.SIBI VARGHESE EDAYADI,  
JUBILEE ROAD, ALAPPUZHA (W) VILLAGE,  
ALLAPPUZHA-683112.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08-04-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**pk**

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**APPENDIX**

**PETITIONER'S EXHIBITS:**

EXT.P1:TRUE COPY OF THE PLAINT IN O.S.NO.573/2012.

EXT.P2:TRUE COPY OF THE JUDGMENT DATED 24.6.2013 IN O.S.NO.573/2012.

EXT.P2(a):TRUE COPY OF THE DECREE DATED 24.6.2013 IN O.S.NO.573/2012.

EXT.P3:TRUE COPY OF THE FINAL DECREE APPLICATION IN O.S.NO.573/2012.

EXT.P4:TRUE COPIES OF THE I.A.NO.250/2015.

EXT.P4(a):TRUE COPIES OF THE I.A.NO.251/2015.

**RESPONDENT'S EXHIBITS:**

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

**P.BHAVADASAN, J.**

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O.P.(C) No.1005 of 2015  
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Dated this the 08<sup>th</sup> 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 to the court below to pass orders on Exts.P4 and P4(a) applications within a time limit to be fixed by this Court.

2. The petitioners are the 2<sup>nd</sup> and 4<sup>th</sup> defendants in O.S.No.573/2012 before the Sub court, Alappuzha. The suit was one for partition. The petitioner was set exparte and an exparte decree was passed. It is pointed out that aggrieved by the exparte decree, petitioners filed Exts.P4 and P4(a) petitions; one is to set aside the exparte decree and the other is to condone the delay in filing the petition to set aside the exparte decree. These applications now stands posted to 22.05.2015. The petitioners pointed out that the pendency of those petitions causes considerable difficulties and inconvenience to them and there may be a direction to

the court below to take up those petitions and dispose them of as expeditiously as possible.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary as none of their rights are affected.

This petition is disposed of directing the court below to take up I.A.No.250/2015 and I.A.No. 251/2015 in O.S.No. 573/2012 on 22.05.2015 itself and dispose them of on merits, as expeditiously as possible, after hearing both parties, at any rate, within a period of one month from 22.05.2015.

Sd/-  
**P.BHAVADASAN**  
**JUDGE**

ds

//True copy//

P.A. to Judge