

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

OP(C).No. 1024 of 2015 (O)

IN OS 37/2008 of PRINCIPAL SUB COURT, ATTINGAL

PETITIONER(S) :

B ANILKUMAR,
AGED 57 YEARS, S/O.LATE BHARGAVAN,
'JANAK', KEEZHATTINGAL,
THIRUVANANTHAPURAM.

BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SMT.MEENA.A.
SRI.VINOD RAVINDRANATH
SRI.SAJU.S.A
SRI.K.C.KIRAN
SRI.M.DEVESH

RESPONDENT(S) :

1. S.MEENAKUMARI @ MEENA SUNDARAM,
PARTNER OF M/S.A.V.BHARAGAVAN AND SONS,
RESIDING AT SUNI VIHAR, NEAR ULLOOR BRIDGE LANE,
MEDICAL COLLEGE P.O., PIN - 695 001.
2. DILEEP KUMAR,
S/O.LATE BHARGAVAN, ROY VIHAR, ATRA 61,
CHIRAYINKEEZHU ROAD, ATTINGAL, PIN - 695 101.
3. MOLLY JAYAPRAKASH,
D/O.LATE A.V.BHARGAVAN, HOME MAKER,
RESIDING AT SIVAM, THARAPADHAM,
TC 13/731, PATTOOR, THIRUVANANTHAPURAM - 695 001.
4. S.D.MONI,
W/O.LATE ASHOK KUMAR, SOBHA TEXTILES,
MADHU BUILDING, POTHENCODE, PIN - 695 584.
5. ASHIMA,
D/O.LATE ASHOK KUMAR SOBHA TEXTILES,
MADHU BUILDING, POTHENCODE PIN - 695 584
6. ARSHA ASHOK,
D/O.LATE AHSOK KUMAR, SOBHA TEXTILES,
MADHU BUILDING, POTHENCODE PIN - 695 584.

R1-R3 BY ADV. SRI.G.S.REGHUNATH.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- TRUE COPY OF THE AFFIDAVIT IN SUPPORT OF I.A.NO.431/2015 IN OS.NO.37/2008, SUB COURT, ATTINGAL , DATED 19.2.2015.
- EXT. P2- THE TRUE COPY OF I.A.NO.436/2015 IN O.S.NO.37/2008, SUB COURT, ATTINGAL, DATED 20.2.2015.
- EXT. P3- THE TRUE COPY OF THE ORDER IN IA NO.431/2015 IN O.S.NO.37/2008, SUB COURT, ATTINGAL DATED 12.3.2015.
- EXT. P4- THE TRUE COPY OF THE ORDER IN IA NO.436/2015 IN OS.NO.37/2008, SUB COURT, ATTINGAL DATED 12.3.2015.
- EXT. P5- THE TRUE COPY OF THE JUDGMENT IN OP(C) NO.813/2015 DATED 24.3.2015.
- EXT. P6- THE TRUE COPY OF THE JUDGMENT IN OP(C) NO.853/2015 DATED 26.3.2015.
- EXT. P7- THE TRUE COPY OF AFFIDAVIT IN SUPPORT IN IA NO.692/2015.
- EXT. P8- THE TRUE COPY OF AFFIDAVIT IN SUPORT OF IA NO.693/2015.
- EXT. P9- THE TRUE COPY OF THE 'A' DIARY PROCEEDING TAKEN FROM THE COURT RECORDS BY THE COUNSEL FOR THE 1ST DEFENDANT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1024 of 2015
.....

Dated this the 7th day of August, 2015

J U D G M E N T

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O.S.No.37/2008 before the Subordinate Judge's Court, Attingal is a suit for partition filed by the sister against her brother. Ext.P7 application has been filed for leave to file an additional chief affidavit. Originally, an affidavit in lieu of chief examination was filed by the defendant and the same was sought to be withdrawn. That request was denied. Even though the same was challenged before this Court, it was of no success. Thereafter, through Ext.P7, the attempt is allegedly to incorporate the very same set of facts once again through an additional affidavit.

2. Ext.P8 is for enabling the petitioner to adduce evidence in the suit. The limited request at present is to dispose of Exts.P7 and P8 prior to the disposal of the suit.

3. Heard learned Senior Counsel for the petitioner

and learned counsel for the respondent.

4. It is a suit of 2008, which is being unnecessary prolonged. The court below is directed to dispose of Exts.P7 and P8 applications, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. Thereafter, the court below shall dispose of the suit, as expeditiously as possible, at any rate, within a period of one month after the disposal of Exts.P7 and P8.

O.P.(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/08

// True Copy //

PA to Judge