

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

OP(C).No. 1038 of 2015 (O)

(OS 1472/2012 of SUB COURT,TRIVANDRUM)

PETITIONER:

DR.AHAMMED THOTTIYIL, S/O. LATE JANAB ABDULLAH,
AGED 58 YEARS, RESIDING AT AL-NOOR VEEDU,
FAROOK COLLEGE, FAROOK VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT.

BY ADVS.SRI.M.R.ANANDAKUTTAN
SMT.M.A.ZOHRA
SRI.MAHESH ANANDAKUTTAN
SMT.S.SOUMYA ISSAC

RESPONDENT:

SRI.EDINJAVILA MUHAMMED THAHA,
S/O. LATE P.A. MUHAMMED ABUBAKKAR, AGED ABOUT 54,
SONIA VILLA, VALATHUNGAL CHERI, IRAVIPURAM P.O.,
IRAVIPURAM VILLAGE, KOLLAM DISTRICT,
NOW RESIDING AT T.C. 11/301, NEAR CLIFF HOUSE,
KAUDIAR VILLAGE, THIRUVANANTHAPURAM - 695 003.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 1038/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF PLAINT NUMBERED AS O.S.1472/2012
PENDING ON the FILES OF SUBORDINATE JUDGE'S
COURT, THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.1038 OF 2015

Dated this the 9th day of April, 2015.

J U D G M E N T

In this original petition under Article 227 of the Constitution of India, relief sought for is for a direction to the Sub Court, Thiruvananthapuram to take up and dispose of O.S.No.1472/2012 as early as possible, at any rate, within a time limit fixed by this Court.

2. The petitioner as plaintiff instituted O.S.No.1472/2012 for realisation of money and for other reliefs. The defendant entered appearance and filed his written statement. The matter arises out of an agreement for sale which the petitioner says failed due to breach on the part of the defendant. It is also claimed by the petitioner that he has advanced Rs.4 crores on the basis of agreement for sale. It is pointed out that even though the suit was sent for mediation as well as before Adalath , neither mediation had taken place nor any reconciliation before the Adalath, and the file was returned to court. Thereafter no

effective steps are being taken by the court below to have the suit tried.

3. The petitioner points out that every day delay causes irreparable loss and injury to him and therefore there may be a direction to dispose of the suit 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 Sub Court, Thiruvananthapuram to take up O.S.No.1472/2012 pending before it and dispose it of on merits provided it is ripe for trial and no petitions are pending consideration by including it in the list for August 2015, within a period of six months thereafter.

Sd/-

P.BHAVADASAN
JUDGE

smp