

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

OP(C).No. 1044 of 2015 (O)

O.S.NO.368/2013 OF MUNSIFF'S COURT, THIRUVALLA

PETITIONER(S) :

**ABHILASH J.PILLAI, AGED 30 YEARS,
S/O.P.R.JANARDHANAN PILLAI, PANAKKAL VEETIL,
ERAVIPEROOR VILLAGE, THIRUVALLA TALUK,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
M.K.RAJASEKHARAN NAIR, AGED 50 YEARS,
S/O.MADHAVAN PILLAI, KUZHIPARAMBIL VEETIL,
PENNUKKARA P.O., AAKA VILLAGE, CHENGANNUR TALUK.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S) :

**P.R.JANARDHANAN PILLAI,
AGED 60 YEARS, PANAKKAL VEETIL, VALLAMKULAM MURI,
ERAVIPEROOR VILLAGE, THIRUVALLA TALUK- 689 101.**

**BY ADVS. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SRI.K.S.VIJAYAKUMAR**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF SETTLEMENT DEED NO.3209/13 OF SUB REGISTRAR'S OFFICE, THIRUVALLA.
- EXHIBIT P2: TRUE COPY OF OWNERSHIP CERTIFICATE DATED 20.08.2014 ISSUED BY SECRETARY, ERAVIPEROOR GRAMA PANCHAYAT.
- EXHIBIT P3: TRUE COPY OF TAX RECEIPT DATED 02.05.2014 ISSUED BY THE VILLAGE OFFICER, ERAVIPEROOR.
- EXHIBIT P4: TRUE COPY OF PLAINT IN O.S.NO.719/2014 FILED BY PETITIONER/ PLAINTIFF.
- EXHIBIT P5: TRUE COPY OF ORDER DATED 29.11.2014 IN I.A.NO.3626/2014 IN O.S.NO.719/2014 OF MUNSIFF'S COURT, THIRUVALLA.
- EXHIBIT P6: TRUE COPY OF OBJECTION DATED 28.01.2015 FILED BY RESPONDENT/DEFENDANT IN I.A.NO.3626/14 IN O.S.NO.719/2014.
- EXHIBIT P7: TRUE COPY OF PLAINT IN O.S.NO.368/2013 FILED BY RESPONDENT/DEFENDANT BEFORE MUNSIFF'S COURT, THIRUVALLA.
- EXHIBIT P8: TRUE COPY OF ORDER IN I.A.NO.3465/2014 IN O.S.NO.368/13 DATED 06.01.2015 OF MUNSIFF'S COURT, THIRUVALLA.
- EXHIBIT P9: TRUE COPY OF IMPEADING PETITION IN I.A.NO.1238/2015 IN O.S.NO.368/2013.
- EXHIBIT P10: TRUE COPY OF REVIEW PETITION IN I.A.NO.1237/2015 IN O.S.NO.368/2013.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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O.P.(C). No.1044 of 2015

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Dated this the 8th day of June, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner has filed Exhibit P9 I.A. for getting himself impleaded in O.S.No.368 of 2013 and has filed Exhibit P10 I.A. for getting Exhibit P8 order reviewed. According to the petitioner, the petitioner is the title holder of the property, and Exhibit P8 order was procured by the respondent from O.S.No.368 of 2013 without impleading him in the party array. The court below can be directed to dispose of Exhibits P9 and P10 I.As and in the meantime, operation of Exhibit P8 order will stand stayed.

In the result, this Original Petition (Civil) is disposed of by directing the court below to dispose of Exhibits P9 and P10 I.As, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment. The court below shall advance the suit, hear the matter and pass orders. Operation of Exhibit P8 order stand stayed till the disposal of Exhibits P9 and P10.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/8/6/15