

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

OP(C).No. 1065 of 2015 (O)

OS 217/2006 of MUNSIF COURT, VARKALA.
A.S. NO. 14 OF 2014 OF SUB COURT, ATTINGAL.

PETITIONER(S):

1. SOMARAJAN,
S/O. KRISHNAN, AGED 63,
RESIDING AT SUNITHA VILASOM,
KATTUVILA, VENKULAM, EDAVA VILLAGE,
CHIRAYINKEEZHU TALUK, PIN 695 311.
2. MANU, S/O. MURALEEDHARAN NAIR,
AGED 29, RESIDING AT THUSHARA,
KATTUVILA, VENKULAM, EDAVA VILLAGE,
CHIRAYINKEEZJU TALUK, PIN 695 311,
REPRESENTED BY HIS POWER OF ATTORNEY
HIS FATHER, M,URALEEDHARAN NAIR,
RESIDING AT THUSHARA, KATTUVILA,
VENKULAM, EDAVA VILLAGE,
CHIRAYINKEEZHU TALUK, PIN 695 311.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.S.NITHIN (ANCHAL)

RESPONDENT(S):

DIVAKARAN PILLAI,
S/O. BHASKARAN PILLAI,
AGED 49, DEEPASADANAM,
KATTUVILA, VENKULAM, EDAVA VILLAGE,
CHIRAYINKEEZHU TALUK, PIN 695 311.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.C. 1065 OF 2015.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : DATED 23.6.2014, A TRUE COPY OF I.A. NO. 890 OF 2014 IN A.S. NO. 14 OF 2014.

EXT. P2 : DATED 1.7.2014, A TRUE COPY OF THE OBJECTION TO I.A. NO. 890 OF 2014 IN A.S. NO. 14 OF 2014.

EXT. P3 : DATED 3.3.2015, TRUE COPY OF THE ORDER IN I.A.NO. 890 OF 2014 IN A.S. NO. 14 OF 2014.

P. BHAVADASAN, J.

O.P.(C) No. 1065 of 2015

Dated this the 10th day of April, 2015.

JUDGMENT

When the matter was taken up for hearing, learned counsel for the petitioners prays for a direction to the court below to dispose of A.S. 14 of 2014 pending before Sub Court, Attingal as early as possible.

2. The petitioners are the defendants in the suit. They, apart from defending the suit, had filed counter claim. The suit was dismissed and the counter claim was decreed. In the counter claim, a decree was passed directing the plaintiff in the suit to remove the timber kept in the property belonging to the defendants in the suit.

3. Aggrieved by the decree, the defendants went up in appeal and Ext.P3 order was passed by the lower appellate court even though objection is taken to the order passed.

3. It is seen that it is only a tentative order pending appeal. It appears that the court below has formed an opinion that the timber belongs to the plaintiff in the suit. If that be so, all that is necessary is to direct speedy disposal of the appeal.

This Original Petition is disposed of directing Sub Court, Attingal to take up A.S. 14 of 2014 and dispose it of as expeditiously as possible, at any rate, within four months from the re-opening of the court after summer vacation.

sb.

P. BHAVADASAN,
JUDGE