

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. 1078 of 2015 (O)

(OS 173/2012 of MUNSIFF COURT,PERINTHALMANNA)

PETITIONER/PLAINTIFF:

SHYLAJA, AGED 42 YEARS, D/O. CHELANATTU MADHAVI (LATE),
PATHAIKKARA VILLAGE, ERAVIMANGALAM DESOM IN
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.U.K.DEVIDAS
SRI.K.K.ANILRAJ

RESPONDENTS/DEFENDANTS:

1. RAMAKRISHNAN, AGED 52 YEARS, S/O. KAKKARA CHAMI,
VAALMBUR DESOM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT - 679 322.
2. SARALA, AGED 40 YEARS, W/O. PILAKUZHIYIL RAJAN,
VAALMBUR DESOM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT - 679 322.

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

O.P.(C) No.1078/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF REPORT AND PLAN DTD.4.11.14 SUBMITTED BY
ADVOCATE COMMISSIONER.
- EXT. P2 : COPY OF I.A.84/2015 IN O.S.173/2012 DTD.16.1.15.
- EXT. P3 : COPY OF ORDER DTD.17.1.15 IN I.A.84/2015 IN
O.S.173/2012.
- EXT. P4 : COPY OF I.A.174/2015 IN O.S.173/2012 DTD.6.2.2015.
- EXT. P5 : COPY OF JUDGMENT DTD.9.2.15 IN O.S.173/2012.
- EXT. P6 : COPY OF I.A.470/2015 IN O.S.173/2012 DTD.2.3.15.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.1078 OF 2015

Dated this the 10th day of April, 2015.

J U D G M E N T

A suit filed by the petitioner was dismissed for default. She has filed Ext.P6 application for restoration. The prayer of the petitioner at the time of hearing of this original petition is that there may be a direction to dispose of Ext.P6 as expeditiously as possible and till that is done, status quo as reported by the Commissioner may be retained.

2. There was no interim order during the pendency of the suit and when the suit was listed for trial, the petitioner moved the court for removal of the case from the list. That was not allowed and the suit was dismissed for default.

3. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

4. Since there was no interim order during the pendency of the suit, it is highly improper for this Court to pass an interim order now pending consideration of Ext.P6.

This original petition is disposed of directing the court below to take up Ext.P6 application and dispose of the same in accordance with law as expeditiously as possible, at any rate, within a period of four months from the date of next posting.

Sd/-

**P.BHAVADASAN
JUDGE**

smp