

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. 1083 of 2015 (O)

(AS 23/2015 of SUB COURT, TIRUR)

PETITIONER/PETITIONER/APPELLANT:

MALIYEKKAL JAMEELA, AGED 54 YEARS,
W/O. ABDUL RASHEED, VELIYAMCODE AMSOM,
GRAMAM DESOM, P.O. GRAMAM, PONNANI TALUK.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS/RESPONDENTS/RESPONDENTS:

1. ABDUL NASAR, SUMAR, AGED 50 YRS,
S/O. MOHAMMEDKUTTY, THIRUTHIYIL HOUSE,
OMACHAPUZHA P.O., THEYYALA, TIRUR TALUK.
2. K.M. ABDUL VAHID, CONSULTING ENGINEER,
BABU ASSOCIATES ENGINEERS & ARCHITECTS,
APM COMPLEX, NEAR OVER BRIDGE, TIRUR -1.
3. BAVA @ KUTTU, S/O. MALIEKKAL KUNJUMON,
AGED 61 YRS, CHERACHAM VEETIL, MOULANA HOUSE,
THRIPRANGODE AMSOM DESOM,
P.O. THRIPRANGODE, ALUNGAL, TIRUR TALUK.

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

O.P.(C) 1083/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

- EXT. P1 : COPY OF COMMISSION REPORT AND PLAN IN
O.S.158/2013 OF MUNSIFF COURT, TIRUR DTD. 11.7.13.
- EXT. P2 : COPY OF JUDGMENT IN O.P.(C) 3727/2013 OF THIS
COURT DTD.1.11.13.
- EXT. P3 : COPY OF ORDER IN I.A.594/13 IN O.S.158/13 OF
MUNSIFF COURT, TIRUR DTD.6.12.13.
- EXT. P4 : COPY OF JUDGMENT IN O.S.158/13 OF MUNSIFF COURT,
TIRUR DTD. 14.1.15.
- EXT. P5 : COPY OF MEMORANDUM OF APPEAL IN A.S.23/15
DTD.4.2.15.
- EXT. P6 : COPY OF I.A.347/15 IN A.S.23/15 DTD.4.2.15.
- EXT. P7 : COPY OF COUNTER I.A.347/15 IN A.S.23/15 DTD.4.2.15.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.1083 OF 2015

Dated this the 10th day of April, 2015.

J U D G M E N T

The limited prayer in this original petition is for a direction to the Sub Court, Tirur to issue carbon copy of the order dated 08.04.2015 in I.A.No.347/2015 in A.S.No.23/2015 pending before the said court.

2. The plaintiff instituted a suit for permanent prohibitory injunction restraining the defendants from destroying the well situated in plaint B schedule property and not to construct building in their property without keeping statutory distance from plaint A schedule property and the building therein. The trial court, finding that the property is not properly identified, dismissed the suit. The matter was carried in appeal and along with the appeal, the petitioner filed an Interlocutory Application seeking an order of injunction restraining the respondents from altering the lie of the property and also from filling up the well. That petition was dismissed by order dated 08.04.2015.

3. The grievance of the petitioner is that she is unable to take further proceedings for want of copy of the order dated 08.04.2015.

This original petition is disposed of directing the Sub Court, Tirur to issue carbon copy of the order in I.A.No.347/2015 in A.S.No.23/2015 dated 08.04.2015 as expeditiously as possible, at any rate, within a period of two weeks from today. In the meanwhile, respondents shall be prohibited from committing any act of filling up of well, if it is not already filled up.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

// True Copy //

P.A. To Judge.

smp