

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP(C).No. 1200 of 2015 (O)

O.S.NO.342/2013 OF MUNSIFF'S COURT, PERUMBAVOOR

PETITIONER :

**JOY C.C., AGED 59 YEARS,
S/O. CHACKO , CHIRACKAL HOUSE, MUDAKKUZHA KARA,
MUDAKKUZHA P.O, VENGOOR WEST VILLAGE,
ERNAKULAM DISTRICT. PIN-683 546**

BY ADV. SRI.T.K.SAJEEV

RESPONDENT(S):

- 1. JAMES C.C.,AGED 50 YEARS,S/O. CHACKO,
CHIRACKAL HOUSE, MUDAKKUZHA KARA,
CHUNDAKKUZHI.P.O., VENGOOR WEST VILLAGE,
ERNAKULAM DISTRICT PIN-683 546**
- 2. SALLY JAMES, AGED 42 YEARS, W/O. JAMES,
CHIRACKAL HOUSE, MUDAKKUZHA KARA,
CHUNDAKKUZHI P.O, VENGOOR WEST VILLAGE,
ERNAKULAM DISTRICT PIN-683 546**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-05-2015, ALONG WITH OPC.NO. 894/2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(C).No. 1200 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PLAINT IN OS NO.342 OF 2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR
- EXHIBIT P2: TRUE COPY OF THE PLAINT IN OS NO.396 OF 2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR
- EXHIBIT P3: TRUE COPY OF THE WRITTEN STATEMENT FILED IN OS NO.396 OF 2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR.
- EXHIBIT P4: THE TRUE COPY OF THE COMMISSION REPORT AND ROUGH SKETCH DATED 12.9.2013 SUBMITTED BY THE ADVOCATE COMMISSIONER IN OS NO. 342 OF 2013 ON THE FILE OF THE MUNSIFF'S COURT PERUMBAVOOR
- EXHIBIT P5: THE TRUE COPY OF THE COMMISSION REPORT AND ROUGH SKETCH DATED 7.10.2013 SUBMITTED BY THE ADVOCATE COMMISSIONER IN OS NO.342 OF 2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR
- EXHIBIT P6: TRUE COPY OF THE TEMPORARY MANDATORY INJUNCTION APPLICATION IA NO.1969/2013 DATED 26.9.2013 IN OS 342 OF 2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR
- EXHIBIT P7: TRUE COPY OF THE STATUS QUO ORDER DATED 6.12.2013 IN IA NO. 1969/2013 IN OS NO.342/2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR
- EXHIBIT P8: TRUE COPY OF THE ORDER FOR JOINT TRIAL DATED 6.12.2013 IN IA NO.2720/2013 IN OS NO.396/2013 ON THE FILE OF THE MUNSIFFS COURT PERUMBAVOOR

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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B.KEMAL PASHA, J.

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O.P.(C). No.1200 of 2015

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Dated this the 27th day of May, 2015

J U D G M E N T

Alleging that the pathway, which is the subject matter of an easement by grant, has been obstructed by the respondents, the petitioner has filed Exhibit P6 I.A., seeking an order of temporary mandatory injunction for the removal of obstructions on the pathway. Instead of passing an order, the court below has passed an order of status-quo vide Exhibit P7 order. The court below shall dispose of Exhibit P6 I.A. within one month from the date of receipt of a copy of this judgment.

With the said observation, this Original Petition (Civil) is disposed of.

Sd/-

**B.KEMAL PASHA
JUDGE**