

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

OP(C).No. 1222 of 2015 (O)

(AGAINST THE ORDER IN I.A.NO.953/2015 IN OS.NO. 835/2014 OF PRINCIPAL
MUNSIFF COURT, ALAPPUZHA)

PETITIONER :

SUMATHIKUTTY AMMA, AGED 67 YEARS,
D/O PARUKUTTI AMMA, KADAMATTU HOUSE,
MACOMPU.P.O., KOTTABHAGOM MURI, PULINCUNNU VILLAGE,
KUTTANADU TALUK.

BY ADV. SRI.B.PRAMOD

RESPONDENT(S):

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1. K.V.SASIKUMAR, AGED 53 YEARS,
S/O.MEENAKSHI AMMA, KADAMATTU HOUSE,
MACOMPU.P.O., KOTTABHAGOM MURI, PULINCUNNU VILLAGE,
KUTTANADU TALUK.
 2. R.SOBHA, AGED 49 YEARS, W/O.SASIKUMAR,
KADAMATTU HOUSE, MACOMPU.P.O., KOTTABHAGOM MURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK.
 3. VISHNU, AGED 25 YEARS, S/O.SASIKUMAR,
KADAMATTU HOUSE, MACOMPU.P.O., KOTTABHAGOM MURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK.
 4. VIDHYA, AGED 23 YEARS, D/O.SASIKUMAR,
KADAMATTU HOUSE, MACOMPU.P.O., KOTTABHAGOM MURI,
PULINCUNNU VILLAGE, KUTTANADU TALUK.

BY ADV. SRI.P.VISWANATHAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).NO.1222/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PLAINT IN O.S.NO.835/2014 ON THE FILE OF THE MUNSIFF'S COURT, ALAPPUZHA**
- P2 COPY OF THE COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER.**
- P3 COPY OF THE I.A.NO.953/2015 ALONG WITH ACCOMPANYING AFFIDAVIT FILED IN O.S.NO.835/2014 ON THE FILE OF THE MUNSIFF'S COURT, ALAPPUZHA.**
- P4 COPY OF THE COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER.**
- P5 COPY OF THE OBJECTION FILED BY THE RESPONDENTS IN IA.NO.953/2015 IN O.S.NO.835/2014 ON THE FILE OF THE MUNSIFF'S COURT, ALAPPUZHA**
- P6 COPY OF THE ORDER DATED 10/10/2015 I.A.NO.953/2015 IN O.S.NO.835/2014 ON THE FILE OF THE MUNSIFF'S COURT, ALAPPUZHA**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
O.P.(C) No.1222 of 2015
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Dated this the 19th day of June, 2015

J U D G M E N T

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

2. Ext.P6 order is under challenge. The said order was passed by the court below on Ext.P3 application. It seems that even though Ext.P3 application is one shown to be filed under Section 151 of the Code of Civil Procedure, 1908, the relief sought for is one for mandatory injunction, and the court below has passed Ext.P6 order on the said application. Therefore, apparently, the said order is appealable under Order XLIII Rule 1(r).

3. Perused the letter of the learned Principal Munsiff, Alappuzha.

4. The court below is directed to dispose of the suit, as expeditiously as possible, at any rate, within a period of

six months from the date of receipt of a copy of this judgment. It is made clear that this judgment will not stand in the way of the petitioner to prefer an appeal, if any, on Ext.P6 order.

In the result, OP(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/19/06

// True Copy //

PA to Judge