

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

OP(C).No. 1298 of 2015 (O)

OS 442/2015 of PRL.MUNSIFF COURT, KOZHIKODE-II

PETITIONER(S):

**K.RAJALAKSHMI, AGED 56 YEARS,
D/O RUGMINI AMMA, DOOR NO 115, 2ND STREET,
SRINIVASA NAGAR, POTHANNUR P.O., COIMBATORE-641023**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENTS :

- 1. SUBHASH
S/O LATE KEEZHILATH SIVASANKARA MENON
TRIMOORTHY BHAVAN, THAMARAYUR P.O.,
THAMARAYUR AMSOM DESOM OF CHAVAKKAD TALUK,
THRISSUR-680 505**
- 2. SUDHEER
S/O LATE KEEZHILATH SIVASANKARA MENON,
TRIMOORTHY BHAVAN, THAMARAYUR P.O.,
THAMARAYUR AMSOM DESOM OF CHAVAKKAD TALUK,
THRISSUR-680 505**
- 3. SUNIL
S/O LATE KEEZHILATH SIVASANKARA MENON
TRIMOORTHY BHAVAN, THAMARAYUR PO
THAMARAYUR AMSOM DESOM OF CHAVAKKAD TALUK
THRISSUR-680 505**
- 4. TRIPURASUNDARI
W/O LATE KEEZHILATH SIVASANKARA MENON
TRIMOORTHY BHAVAN, THAMARAYUR PO
THAMARAYUR AMSOM DESOM OF CHAVAKKAD TALUK
THRISSUR-680 505**
- 5. SUDHA
D/O PARAMESWARA PANICKER, SUDHALAYAM, . THEKKENADA
GURUVAYOOR, THRISSUR-680 101**

6. LATHA
D/O PARAMESWARA PANICKER, KRISHNA KRIPA
ILLATH PARAMBA, PANCHARAMUKKU, CHAKKUMKANDAM PO
THRISSUR 680 522
7. MADHU
S/O PARAMESWARA PANICKER, KRISHNA KRIPA
ILLATH PARAMBA, PANCHARAMUKKU, CHAKKUMKANDAM PO
THRISSUR 680 522
8. KAMALA AMMA
W/O KARUNAKARAN MENON, VATTAKKATTU, KUNNAKULAM
THRISSUR-680 503
9. VATTAKATTU SUSHAMA
D/O KARUNAKARAN MENON, VATTAKKATTU, KUNNAKULAM
THRISSUR-680 503
10. VATTAKKATTU SURESH BABU
S/O KARUNAKARAN MENON, VATTAKKATTU, KUNNAKULAM
THRISSUR-680 503
11. KEEZHILLATH GOPALA KRISHNA MENON
S/O DEVAKI @ THANKAM AMMA, VISHNU NIVAS, THAMARAYUR PO
CHAVAKKAD AMSOM DESOM, THRISSUR 680 505
12. K. RUGMINI AMMA,
D/O NARAYANI @ AMMU AMMA, KEEZHILLATH HOUSE
ARTS & SCIENCE COLLEGE PO MEENACHANDA, 673 018
13. VIJAYALAKSHMI
D/O K. RUGMINI AMMA, LAKSHMI VILLA, 25-A
PALAT NAGAR, THIRUVANNUR NADA, 673 029

R1 TO R7,R9,R10 & 11 BY ADV. SRI.M.A.ABDUL HAKHIM

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

bp

OP(C).No. 1298 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EEXT.P1: TRUE COPY OF THE PLAINT AS O.S.442/2005 ON THE FILE OF THE
MUNSIFF COURT-11, KOZHIKODE
- EXT.P2: TRUE COPY OF THE DECREE IN O.S.849/98 DATED 21/12/01.
- EXT.P3: TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF I.A.2434/15 AND
THE PETITION

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
O.P.(C) No. 1298 of 2015

.....
Dated this the 7th day of July, 2015

J U D G M E N T

Case of the petitioner is that disregarding the genuine claim of the petitioner over the properties, only a lesser share was granted through the final decree and presently the execution proceedings are going on and delivery has been ordered. The petitioner has filed OS 442/15 which is presently pending before the Munsiff's Court-II, Kozhikode in which the petitioner has filed Ext.P3 IA. According to the petitioner, there is a residential building in the property and in case of demolition of the building, she would be put to irreparable loss and injuries and hence through Ext.P3, she has sought for an interim order for maintaining the *status*

quo regarding the plaint schedule property till the disposal of the said suit and an *ad-interim* order of *status quo* till the disposal of Ext.P3.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents. The learned counsel for the respondents submits that the respondents have no intention to demolish the building or commit any waste in the property. The learned counsel for the respondents has further pointed out that even though the aforesaid relief has been sought for through Ext.P3, a wider relief for the stay of the entire execution proceedings has been sought for in the OP. The learned counsel for the petitioner submits that the petitioner is satisfied in getting an order as sought for in Ext.P3 at present.

In the result, this Original Petition is disposed of by directing the parties to maintain the *status quo* with regard to the properties even after delivery and the respondents shall not commit any sort of waste over the property or shall

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-: 3 :-

not demolish the residential building in the property, until further orders are passed in OS 442/2015.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge