

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

OP(C).No. 1302 of 2015 (O)

OS.NO.524/2014 OF ADDITIONAL MUNSIFF COURT, KANNUR

PETITIONER(S):

**KALATHIL APARNA, AGED 36 YEARS,
D/O KIZHAKKEDATH DEVAYANI, "SREEKAUSTHUBHAM"
CHETTIPEEDIKA, KEELERI BABU ROAD, P.O . PALLIKUNNU
KANNUR-4.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.E.MOHAMMED SHAFI
SRI.DAVID JOHN**

RESPONDENT(S):

**PRADEEP KUMAR K, AGED 38 YEARS,
S/O HARIDASAN, RESIDING AT FLAT NO.3 A, ALFA ONE ,
PAYYAMBALAM, KANNUR 670001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 1302 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE PLAINT IN OS 524/14 ON THE FILE OF THE MUSIFF
 COURT, KANNUR**

**EXT.P2 TRUE COPY OF THE WILL RELIED BY THE RESPONDENT DATED
 3/8/2007**

EXT.P3 TRUE COPY OF THE WILL DATED 29/8/2011

EXT.P4 TRUE COPY OF THE IA 4262/14 IN OS NO. 524/14

**EXT.P5 TRUE COPY OF THE COUNTER STATEMENT FILED BY THE
 PETITIONER BEFORE THE MUNSIF COURT, KANNUR**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
O.P.(C) No.1302 of 2015
.....

Dated this the 8th day of June, 2015

J U D G M E N T

Heard learned counsel for the petitioner.

2. It seems that an *exparte* order of temporary injunction was passed by the court below. On genuine grounds, it seems that a detailed counter has been filed by the petitioner in respect of the said IA. The court below ought to have disposed of the said IA within 30 days from the date on which the interim injunction was granted, as per the mandates of Order XXXIX Rule 3-A of the Code of Civil Procedure, 1908. Even though Ext.P5 counter was filed as against Ext.P4 IA under Order XXXIX Rule 4 of CPC, the court below has not so far cared to dispose of the said IA on

merits.

In the result, this Original Petition is disposed of by directing the court below to dispose of the said IA within 15 days from the date of receipt of a copy of this judgment.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge