

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

OP(C).No. 3381 of 2013 (O)

I.A. NO.66/2013 AND I.A. NO.67/2013
IN O.S.NO.226/2008 FROM THE SUB COURT, PATHANAMTHITTA.

PETITIONER(S):

NAJEEMUDDIN, AGED 40 YEARS, S/O.BASHEER,
ADIMA VEEDU, KADACKAD MURI
KURAMBALA VILLAGE, ADOOR TALUK
PATHANAMTHITTA DISTRICT

BY ADVS.SRI.ABRAHAM SAMSON
SMT.LOVELY SAMSON

RESPONDENT(S):

1. K.P.NAGARAJAN, S/O.P.CHANDI ACHARI,
12-10061 VEEDU, ANNAI THRESA TERUVE, ASSARIPALLAM PO
VMBANOOR PO, SHANKARANKUZHY TALUK
KANYAKUMARI DISTRICT
PRESENTLY RESIDING AT THEKKUNILKUNNATHIL MANGARAM
PANDALAM, PATHANAMTHITTA DISTRICT 689 501
2. K. ABDUL RAZAK, S/O.M.KUNJABDUL RAWTHER
PERAPPOOKALA VADAKKETHIL HOUSE
THONALLOOR MURI PANDALAM VILLAGE, ADOOR TALUK
PATHANAMTHITTA DISTRICT 689 501
3. BUSHARA, W/O.NAJEEMUDDIN, AGED 34 YEARS
ADIMA VEEDU, KADACKAD MURI, KURAMBALA VILLAGE
ADOOR TALUK, PATHANAMTHITTA DISTRICT 689 501.

R1 BY ADV. SRI.MVS.NAMBOOTHIRY

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 09-04-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 3381 of 2013 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE DECREE OF THE SUBORDINATE JUDGE,
PATHANAMTHITTA IN O.S NO.226/2008 DATED 14-7-2009**

**EXT.P2 - TRUE COPY OF THE E.P.NO.83/2012 DATED 21-5-2012 FILED IN THE SUB
COURT PATHANAMTHITTA.**

**EXT.P3 - TRUE COPY OF THE DELIVERY NOTICE STATING THE ARRIVAL OF THE AMIN
IN E.P.83/2012 DATED 3-9-2013**

**EXT.P4 - TRUE COPY OF THE PETITION TO SET ASIDE THE EXPARTE DECREE
IA.NO.66/2013 IN O.S.NO.226/2008 DATED 11-1-2013.**

**EXT.P5 - TRUE COPY OF THE PETITION FOR DELAY CONDONATION IA.NO.67/2013 IN
O.S.NO.226/2008 DATED 11-1-2013**

**EXT.P6 - TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.L.MINI MEDICAL
OFFICER GOVT. AYURVEDA DISPENSARY, NARANAMMOOZHY DATED 10-3-2010**

**EXT.P7 - TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY
DR.K.SUSHEELKUMAR BAMS, PRIYA AYURVEDA HOSPITAL, PANDALAM DATED 20-7-
2011**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

Imp

P.BHAVADASAN, J.

O.P.(C) No. 3381 of 2013

Dated this the 09th day of April, 2015

J U D G M E N T

The reliefs sought for in this original petition are as follows:

“(i) To direct the Subordinate Judges Court, Pathanamthitta to issue the orders in I.A.No.66/2013 in O.S.No. 226/2008 and I.A.No. 67/2013 in O.S.No. 226/2008 expeditiously and

(ii) To stay the all proceedings in E.P.No. 83/2012 including delivery on 3.10.2013 in O.S.No. 226/2008 pending before the SubCourt at Pathanamthitta till the issuance of the orders in I.A.No. 66/2013 and I.A.No. 67/2013 in O.S.No. 226/2008 from the Sub Court, Pathanamthitta.”

2. When the matter is taken up today, there is no representation on behalf of the petitioner.

3. The learned counsel appearing for the respondents submitted that I.A.s were disposed of as early as on 17.09.2013. If the petitioner had filed proper application, copies would have been served to him.

Accepting the above contention raised by the learned counsel for the respondent, this petition is disposed of.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge