

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

OP(C).No. 1495 of 2015 (O)

IA. NO.534/2015 IN O.S. NO.66/2012 OF SUB COURT, KOCHI.

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PETITIONERS/(PETITIONERS/PLAINTIFFS IN THE COURT BELOW):

1. DR.CYRIL GABRIEL FERNANDEZ,
S/O.LATE ROBERT MATHEW FERNANDEZ, AGED 54,
RESIDING AT BRISBANE, AUSTRALIA AND ALSO
HAVING RESIDENCE AT FERNZ COTTAGE,
43/2353, SRM ROAD, ERNAKULAM NORTH P.O.,
KOCHI-682 018, REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER SHRI B.CLIFY OLIVERO,
THE 2ND PETITIONER.

2. B.CLIFY OLIVERO, S/O.LATE STEPHEN OLIVERO,
AGED 52 YEARS, C-DALE, MOOLAMKUZHY (SOUTH),
MUNDAMVELI POST, KOCHI-682 507.

BY ADVS.SRI.N.RATHEESH,
SMT.SUMA RATHEESH.

RESPONDENTS/(RESPONDENTS/DEFENDANTS IN THE COURT BELOW):

1. MRS.MAXIE FERNANDEZ, W/O.TERANCE NUNEZ,
AGED ABOUT 35 YEARS, RESIDING AT NUNEZ VILLA,
EDAKOCHI, COCHIN-682 006.

2. TERANCE NUNEZ, S/O.FRANCIS NUNEZ,
AGED ABOUT 44 YEARS, RESIDING AT NUNEZ VILLA,
EDAKOCHI, COCHIN-682 006.

3. M/S.AMY EXPORTS,
NUNEZ VILLA, EDAKOCHI, KOCHI-682 006,
REPRESENTED BY ITS MANAGING PARTNER
MRS.MAXIE FERNANDEZ.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1: TRUE COPY OF THE PLAINT DATED 28.03.2012 IN O.S.NO.66/2012 OF THE SUB COURT, KOCHI.**
- EXHIBIT-P2: TRUE COPY OF THE WRITTEN STATEMENT DATED 02.10.2013 FILED BY RESPONDENTS 1 & 2 IN EXT.P1 SUIT.**
- EXHIBIT-P3: TRUE COPY OF THE ADDITIONAL WRITTEN STATEMENT DATED 20.09.2014 FILED BY RESPONDENTS 1 & 2 IN EXT.P1 SUIT.**
- EXHIBIT-P4: TRUE COPY OF THE 2ND ADDITIONAL WRITTEN STATEMENT DATED 03.12.2014 FILED BY RESPONDENTS 1 & 2 IN EXT.P1 SUIT.**
- EXHIBIT-P5: TRUE COPY OF THE WRITTEN STATEMENT DATED 21.01.2015 FILED BY THE 3RD RESPONDENT IN EXT.P1 SUIT.**
- EXHIBIT-P6: TRUE COPY OF THE ISSUES FRAMED IN EXT.P1 SUIT.**
- EXHIBIT-P7: TRUE COPY OF THE INTERLOCUTORY APPLICATION 09.06.2015 (I.A.NO.534/2015).**
- EXHIBIT-P8: TRUE COPY OF THE COUNTER AFFIDAVIT 15.06.2015 FILED BY RESPONDENTS 1 & 2 AGAINST EXT.P7 APPLICATION.**
- EXHIBIT-P9: TRUE COPY OF THE INTERLOCUTORY APPLICATION DATED 23.06.2015 (I.A.NO.587/2015).**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
O.P.(C) No.1495 of 2015
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Dated this the 26th day of June, 2015

J U D G M E N T

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

2. The court below is directed to issue a copy of the order on Ext.P7, as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment. The proceedings in the suit shall stand stayed for a period of one month.

The Original Petition is disposed of as above.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge