

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

O.P.(C).No. 1611 of 2015 (O)

O.S. No.279/2006 OF MUNSIFF COURT, CHITTUR

PETITIONER:

**VIVEKANANDAN, AGED 61 YEARS,
S/O. DHARMANDI, KARADATHODI, OOTARA,
VADAVANNOOR, CHITTUR, PALAKKAD.**

BY ADV. SRI. JACOB SEBASTIAN

RESPONDENT:

**SANTHAKUMARAN, AGED 63 YEARS,
S/O. DHARMANDI, R.R.RICE MILL, OOTARA,
VADAVANNOOR, CHITTUR, PALAKKAD : 678 101.**

BY ADV. SRI. RAJESH SIVARAMANKUTTY

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03:11:2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 : A COPY OF THE JUDGMENT IN O.S. No.279/2006 DATED 31.03.2010 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P2 : A COPY OF E.P. No.109/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P3 : A COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN E.P. No.109/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P4 : A COPY OF THE ADDITIONAL COUNTER STATEMENT FILED BY THE PETITIONER IN E.P. No.109/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P5 : A COPY OF THE E.P. No.130/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P6 : A COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN E.P. No.130/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P7 : A COPY OF THE ADDITIONAL COUNTER STATEMENT FILED BY THE PETITIONER IN E.P. No.130/2012 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P8 : A COPY OF E.P. No.138/2011 OF THE COURT OF THE MUNSIF OF CHITTUR.
- EXT. P9 : A COPY OF ALLEGATIONS IN EXT. P8 FILING COUNTER STATEMENT.
- EXT. P10: A COPY OF THE ALLEGATIONS IN EXT. P8 FILING ADDITIONAL COUNTER STATEMENT.
- EXT. P11: A COPY OF THE MEMORANDUM OF A.S. No.169 OF 2014 OF THE COURT OF THE DISTRICT JUDGE OF PALAKKAD.
- EXT. P12: A COPY OF THE STAY PETITION ACCOMPANYING EXT. P11 APPEAL.
- EXT. P13: A COPY OF THE JUDGEMENT DATED 17.03.2015 IN O.P.(C) No.712 OF 2015 OF THIS HONOURABLE COURT.
- EXT. P14: A COPY OF THE ORDER DATED 04.6.15 IN I.A. No.1626/2014 IN A.S No.169/2014 OF THE COURT OF THE THIRD ADDITIONAL DISTRICT JUDGE OF PALAKKAD.

RESPONDENT(S)' EXHIBITS - **NIL**

// TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C). No.1611 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

Petitioner was the defendant in O.S. No.279/2006 and the respondent, the plaintiff. They are brothers. The trial court has passed a decree for a perpetual injunction restraining the petitioner from doing certain acts.

2. In A.S. No.169/2014 on the file of Additional District Judge-III, Palakkad, the petitioner filed an application to stay the operation of the decree. It has been dismissed. This is challenged.

3. Heard.

4. After hearing learned counsel on either side, I am satisfied that it is sufficient that a direction is issued to the learned District Judge to dispose of the application for stay within two months from the date of receipt or production of a copy of this judgment.

In the result, this original petition is disposed of to direct the learned District Judge to dispose of A.S. No.169/2014 within two months from the date of receipt or production of a copy of this judgment. The learned counsel for the respondent is fair enough to submit that the Execution Petitions will not be proceeded with till the disposal of the appeal.

Sd/-
K. ABRAHAM MATHEW
JUDGE

ww/04/11/2015