

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

OP(C).No. 1670 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN OS 412/2011 of SUB COURT, NEYYATTINKARA

PETITIONER(S)/PLAINTIFF :

PUSHPAM, AGED 56 YEARS,
D/O. PERIMBANAYAKAM, KUMARI NESAVALAR COLONY,
NEENDAKARA A VILLAGE, KANYAKUMARI DISTRICT

BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS

RESPONDENT(S)/DEFENDANTS :

1. DILEEP KUMAR, AGED 50 YEARS,
S/O. SIVANANDA PANICKER, KULURMAYIL, MEKKUMKARA,
URULODU, DALUMUGHAM, KARIKKAMANCODE DESOM,
AANA VOOR VILLAGE, NEYYATTINKARA TALUK 695 121
2. RADHAKUMARI, AGED 45 YEARS
D/O. CHELLAMMA, KULURMAYIL, MEKKUMKARA,
URULODU, DALUMUGHAM, KARIKKAMANCODE DESOM
AANA VOOR VILLAGE, NEYYATTINKARA TALUK-695 121
3. ANILKUMAR, AGED 43 YEARS,
THERIVILAPUTHEN VEETIL, OLATHANNI, VENPAKAL DESOM,
ATHIYANNOOR VILLAGE - 695 125

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMV

OP(C).No. 1670 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: COPY OF THE PLAINT IN OS NO.412/2011 BEFORE SUB COURT,
NEYYATTINKARA.**

**EXHIBIT P2: COPY OF THE WRITTEN STATEMENT DATED 20.6.2014 FILED
BY DEFENDANTS 1 AND 2 IN OS NO.412/2011.**

**EXHIBIT P3: COPY OF THE WRITTEN STATEMENT DATED 15.7.2013 FILED
BY DEFENDANT IN OS NO.412/2011.**

EXHIBIT P4: COPY OF THE MEDICAL CERTIFICATE DATED 17.6.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

AMV

SUNIL THOMAS, J.

.....
O.P.(C) No. 1670 of 2015 (O)

.....
Dated this the 28th day of July, 2015

JUDGMENT

This original petition is filed by the plaintiff seeking a direction for an early disposal of O.S.No.412 of 2011, pending before the Sub Court, Neyyattinkara. A report was called from the court below. The report has been received and perused.

2. It is seen from the report that few interlocutory applications are pending, including I.A.No.1069 of 2013 filed by the plaintiff, seeking appointment of an Advocate Commissioner. The 3rd defendant had reportedly filed objection, but has later submitted that the objection is not pressed. Hence, the court can now proceed with the consideration of the above I.A. along with other applications. The court has also stated that suit can be disposed of within six months, if on allowing I.A.No.1069 of 2013, the commission report and survey plan could be filed within a period of three months.

3. Hence, this original petition is allowed directing the court below to consider I.A.No.1069 of 2013, and other pending

I.As., and in the event of commission application being allowed, it shall ensure that the report is submitted by the commissioner at the earliest. The plaintiff shall also co-operate with the commissioner in obtaining the survey plan and report at the earliest. The suit shall be disposed of within a period of three months thereafter, from the date of receipt of the commission report and sketch.

This original petition is disposed of accordingly.

Sd/-
SUNIL THOMAS, JUDGE

AMV/28/07/