

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

OP(C).No. 1746 of 2015 (O)

O.S. NO. 563/2015 OF IIND ADDL. MUNSIFF COURT, NEYYATTINKARA

PETITIONER :

1. PRABHAVATHY, AGED 57 YEARS, D/O. THANKAMMA PILLAI, KALLUVILAKATHU PUTHEN VEEDI, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, NOW RESIDING AT 'ARDRA' MUTTAKKADU P.O., KOLIYOOR DESOM, THIRUVANANTHAPURAM
2. SREEKUMARAN NAIR, AGED 64 YEARS, S/O. DAMODARAN PILLAI, KALLUVILAKATHU PUTHAN VEEDU, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, NOW RESIDING AT 'SREERAGAM', NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.
3. SADASIVAN NAIR, AGED 59 YEARS, S/O. DAMODARAN PILLAI, 'SARANALAYAM' ALSO KNOWN AS KALLUVILAKATHU PUTHEN VEEDU, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM.
4. NITHINI S.P., AGED 25 YEARS, D/O. PADMAJAKUMARI, KALLUVILAKATHU PUTHEN VEEDU, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM

BY ADVS.SRI.V.G.ARUN (K/795/2004)
SRI.ANOOP BHASKAR

RESPONDENTS :

1. SNDP SAKHA NO.821, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM - 695020 REPRESENTED BY ITS PRESIDENT BALAKRISHNAN, AGED 65 YEARS, S/O. VELAYUDHAN PANICKER, RESIDING AT KOPRAPURA VEEDU, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM - 695020.
2. BHADRA, W/O. MOHANAN NAIR, RESIDING AT THUNDUVILA VEEDU, NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE, NEYYATTINKARA TALUK, THIRUVANANTHAPURAM - 695020.

OP(C).No. 1746 of 2015 (O)

- 3. SUMATHI AMMA, D/O. KUNJAN PILLAI, RESIDING AT THUNDUVILA VEEDU,
NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE,
NEYATTINKARA TALUK, THIRUVANANTHAPURAM - 695020.**
- 4. SADASIVAN NAIR, S/O. KUNJAN PILLAI, RESIDING AT THUNDUVILA VEEDU,
NARUVAMOODU, PALLICHAL DESOM, PALLICHAL VILLAGE,
NEYATTINKARA TALUK, THIRUVANANTHAPURAM - 695020.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE PLAINT IN OS NO. 563/2015 ON THE FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA.
- P2: COPY OF THE IA NO. 2763/2015 IN OS NO. 563/2015 on the FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA.
- P3: COPY OF THE INJUNCTION ORDER PASSED BY THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA DT 4/6/2015 IN IA NO. 2763/2015 IN OS NO. 563/2015.
- P4: COPY OF THE COMMISSION REPORT DT 12/6/2015 FILED BY THE ADVOCATE COMMISSIONER BEFORE THE SECOND ADDITIONAL MUNSIF COURT NEYYATTINKARA IN OS NO. 563/2015.
- P4(A): COPY OF THE SKETCH DT 12/6/2015 FILED BY THE ADVOCATE COMMISSIONER BEFORE THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA IN OS NO. 563/2015.
- P5: COPY OF THE OBJECTION FILED BY THE R1 IN IA NO. 2763/2015 IN OS NO. 563/2015 ON THE FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA DT 1/7/2015.
- P6: ORIGINAL PHOTOGRAPH OF PLAINT F SCHEDULE WAY AS ON THE DATE OF FILING OF THE SUIT.
- P7: ORIGINAL PHOTOGRAPH OF PLAINT F SCHEDULE WAY AFTER THE AFORESAID UNAUTHORIZED CONSTRUCTION MADE BY THE FIRST RESPONDENT.
- P8: ORIGINAL PHOTOGRAPH OF THE MOTOR CARS PARKED IN SECOND PETITIONER'S THE GARAGE.
- P9: COPY OF IA NO. 3853/2015 IN OS NO. 563/2015 ON THE FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA.
- P10: COPY OF IA NO. 3852/2015 IN OS NO. 563/2015 on the FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA.
- P11: COPY OF THE IA NO. 3851/2015 IN OS NO. 563/2015 ON THE FILE OF THE SECOND ADDITIONAL MUNSIF COURT, NEYYATTINKARA.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
O.P.(C) No. 1746 of 2015
.....

Dated this the 21st day of July, 2015

J U D G M E N T

Heard the learned counsel for the petitioner.

2. The court below is directed to dispose of Exts.P9, P10 and P11, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

The Original Petition is disposed of as above.

Sd/- B. KEMAL PASHA, JUDGE.

ul/-

// true copy //

P.S. to Judge.