

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

OP(C).No. 1870 of 2015 (O)

(O.S.NO.279/2015 OF MUNSIFF COURT, VARKALA)

PETITIONER :

V.SASIKUMAR,
VASUDEVA VILASAM (PANAYIL HOUSE),
JANARDANAPURAM, VARKALA.P.O.

BY ADVS.SRI.M.BALAGOVINDAN
SRI.T.KANANDA PADMANABHAN

RESPONDENT :

SAJI DEVASYA,
ARCHANA, KILITHATTUMUKKU, JANARDANAPURAM,
VARKALA.P.O., ALSO HAVING RESIDENCE AT VAZHIKKAPARA HOUSE,
PAMPADUM PARA, EDUKKI-683 012

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).NO.1870/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE PLAINT IN O.S.NO.279/2015 BEFORE THE MUNSIFF COURT, VARKALA DATED 6/7/2015.
- P2 COPY OF THE ORDER OF INJUNCTION IN I.A.1782/2015 IN O.S.NO.279/2015 DATED 7/7/2015.
- P3 COPY OF THE ADVANCE PETITION AS I.A.1894/2015 IN O.S.NO.279/2015 DATED 14/7/2015.
- P4 COPY OF THE OBJECTION TO VACATE THE INJUNCTION ORDER DATED 14/7/2015.

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B. KEMAL PASHA, J.

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O.P.(C) No.1870 of 2015
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Dated this the 3rd day of August, 2015

J U D G M E N T

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It seems that the court below has violated the provisions contained in Order XXXIX Rule 3A CPC. It is also pointed out that even though a caveat was filed by the petitioner, discarding it, an order of *ex-parte* injunction was passed in IA No.1782/2015. The petitioner has entered appearance before the court below, filed objection to the IA, and filed an application to advance the hearing of the matter. It seems that the advance application was not considered and again, the matter was adjourned to 03.10.2015.

2. In the result, the court below shall advance the

matter to any day within a period of 15 days from the date of receipt of a copy of this judgment and shall dispose of IA No.1782/2015 on merits, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

O.P.(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/08

// True Copy //

PA to Judge