

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

OP(C).No. 1915 of 2015 (O)

I.A. NO.1561/2014 IN A.S. NO.11/2014 OF SUB COURT, KOCHI.
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PETITIONERS:-

1. RITHA ANTONY, AGED 65 YEARS,
W/O.LATE ANTONY EDWARD, EZHUMURI HOUSE,
KATTIPARAMBU, KANNAMALI P.O., COCHIN - 682 008.
2. PAULSON ANTONY, AGED 37 YEARS,
S/O.LATE ANTONY EDWARD, EZHUMURI HOUSE,
KATTIPARAMBU, KANNAMALI P.O., COCHIN - 682 008.
3. JOSE ANTONY, AGED 35 YEARS,
S/O.LATE ANTONY EDWARD, EZHUMURI HOUSE,
KATTIPARAMBU, KANNAMALI P.O., COCHIN - 682 008.
4. ANTONY ROCKSON, AGED 30 YEARS,
S/O.LATE ANTONY EDWARD, EZHUMURI HOUSE,
KATTIPARAMBU, KANNAMALI P.O., COCHIN - 682 008.

BY ADVS.SRI.K.C.ELDHO,
SRI.JIJO THOMAS,
SRI.ANEESH JAMES.

RESPONDENTS:-

1. SOJI FRANCIS, AGED 76 YEARS,
W/O.FRANCIS JACOB, RESIDING AT ODATHAPARAMBIL HOUSE,
FORT VYPEEN, FORT KOCHI VILLAGE, KOCHI TALUK,
PIN - 682 508.
2. K.J. WILSON, AGED 68 YEARS,
S/O.JOSEPH, KAITHAVELI HOUSE, CHAMPANNOOR HOUSE,
ANGAMALY SOUTH P.O., ALUVA TALUK, PIN - 683 573.
3. MABLE GRACE, AGED 67 YEARS,
W/O.ANTONYM JOSEPH, KAITHAVELI HOUSE, KANNAMALI MURI,
PALLURUTHY VILLAGE, KOCHI TALUK, PIN - 682 006.

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**4. OMANA, AGED 67 YEARS,
W/O.FRANCIS, RESIDING AT EZHUMURIYIL HOUSE,
PALLURUTHY VILLAGE, KOCHI TALUK, PIN - 682 006.**

**5. FRANCIS, AGED 69 YEARS,
S/O.EDWARD, RESIDING AT EZHUMURIYIL HOUSE,
PALLURUTHY VILLAGE, KOCHI TALUK, PIN - 682 006.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. A TRUE COPY OF THE JUDGMENT IN O.S.NO.279 OF 2007 OF THE MUNSIFF'S COURT, KOCHI.
- EXHIBIT P2. A TRUE COPY OF E.P.NO.114 OF 2014 IN O.S.NO.279 OF 2007 ON THE FILE OF THE MUNSIFF'S COURT, KOCHI.
- EXHIBIT P2(A). A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS IN E.P.NO.114 OF 2014 IN O.S.NO.279 OF 2007 ON THE FILE OF THE MUNSIFF'S COURT, KOCHI.
- EXHIBIT P3. A TRUE COPY OF THE MEMORANDUM OF APPEAL IN A.S.NO.11 OF 2014 ON THE FILE OF THE SUB COURT, KOCHI.
- EXHIBIT P4. A TRUE COPY OF I.A.NO.1561 OF 2014 IN A.S.NO.11 OF 2014 ON THE FILE OF THE SUB COURT, KOCHI.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

O.P.(C)No.1915 of 2015

Dated this the 3rd day of September, 2015.

J U D G M E N T

The petitioners, as against the decree and judgment in O.S.No.279/07 on the file of the Munsiff's court, Kochi, have preferred an appeal before the Sub court, Kochi.

2. In the appeal, there is a delay of 2479 days. The petitioners had also filed an application to condone the delay as I.A.No.1561/14 in the appeal. In view of the above, there shall be a direction to the Sub court, Kochi, to dispose of I.A.No.1561/14 filed in A.S.No.11/14 within 2 months of receipt of copy of this judgment. If the delay condonation petition is allowed, necessarily the court below shall consider the stay application filed by the petitioners. Till a decision is taken as stated above, the executorial proceedings are deferred.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge