

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

OP(C).No. 835 of 2014 (O)

CMA 34/2011 of SUB COURT,KOTTARAKKARA

PETITIONER :

**DANIEL GEORGE @ MATHAI GEORGE, AGED 63 YEARS,
S/O.MATHAI, NEDIYATHU VEEDU, 12TH ACRE
VILAKKUVATTOM PO, VALACODE VILLAGE,
PATHANAPURAM TALUK.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.SANJANA R.NAIR
SRI.BABU JOHN**

RESPONDENTS :

**1. SAMUEL MATHEW, AGED 53 YEARS,
NEDIYATHU KRIPA BHAVAN, 12TH ACRE,
VILAKKUVATTOM PO VALACODE, PATHANAPURAM-691 305
KOLLAM DISTRICT REP BY HIS LAWFUL ATTORNEY O.THOMAS,
AGED 53 YEARS, S/O.OMMACHAN, MANKUNNATHU MOOLAVILA VEEDU,
MANJAMANKALA, ELICODE P.O., PUNALUR.**

**2. VALSAMMA MATHEW
W/O.SAMUEL MATHEW, NEDIYATHU KRIPA BHAVAN, 12TH ACRE
VILAKKUVATTOM P.O., VALACODE, PATHANAPURAM - 691305
KOLLAM DISTRICT.**

**R1 BY ADVS. SRI.K.RAMACHANDRAN
SMT.M.C.BINDUMOL**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

OP(C).No. 835 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.NO.256 OF 2011

EXT.P2: TRUE COPY OF THE REPORT, MAHAZAR AND ROUGH SKETCH
DATED 07-07-2011

EXT.P3: TRUE COPY OF THE JUDGMENT OF THE MUNSIFF COURT IN IA
NO.1208 OF 2011 IN OS NO.256 OF 2011.

EXT.P4: TRUE COPY OF THE JUDGMENT IN CMA NO.34 OF 2011 OF THE SUB
COURT KOTTARAKARA.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDG

bp

P.BHAVADASAN, J.

O.P.(C) No. 835 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

Notice to the second respondent is dispensed with since the second respondent is the wife of the first respondent who is represented by a counsel.

2. The challenge in this original petition is against the order dated 19.02.2014 in C.M.A.No. 34/2011 whereby the lower appellate court allowed the appeal and interim order granted by the trial court in I.A.No.1208/2011 in O.S.No.256/2011 was vacated.

3. Now that an interim order passed in favour of the petitioner has been vacated and the right relates to the claim of right of way through the property of the plaintiff, it is only proper that the suit be disposed of so as to give quietus to the issue.

This original petition is disposed of directing the Munsiff Court, Punalur to take up O.S.No. 256/2011 pending

before it and dispose it of as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge