

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

OP(C).No. 2182 of 2015 (O)

**AGAINST THE ORDER IN O.S.NO.66 OF 2007 ON THE FILE OF II ADDITIONAL
SUBORDINATE JUDGE, KOZHIKODE**

PETITIONER(S):

1. **VENKALATH RAVEENDRAN AGED 61 YEARS
S/O.DR.PARAN, VENKALATH HOUSE,
KASABA AMSOM & DESOM,
KOZHIKODE TALUK - 673 002.**
2. **DR.VENKALATH PRABHAKARAN, AGED 61 YEARS
S/O.DR.PARAN, VENKALATH HOUSE,
KASABA AMSOM & DESOM,
KOZHIKODE TALUK - 673 002.**

**BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.S.NITHIN (ANCHAL)**

RESPONDENT(S):

1. **FAIZAL EROTH
S/O. EROTH MOOSA HAJI, 44 YEARS, 17/1568
CHINTHAVALAPPU FLAT, KASABA AMSOM,
KARIKKUNNU DESOM, KOZHIKODE TALUK-673 002.**
2. **ABDUL ROUF,
S/O.KHATHIM, AGED 39 YEARS, RESIDING AT ID SKY LINE,
MARINE GATE, NEAR CORPORATION OFFICE,
NAGARAM AMSOM & DESOM, KOZHIKODE TALUK - 673 011.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 10-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1-DATED 21-09-2014-TRUE COPY OF THE IA.NO.3606 OF 2014 IN O.S.NO.66 OF 2007, II ADDITIONAL SUB COURT, KOZHIKODE.

EXT.P2-DATED 5-11-2014, TRUE COPY OF THE COUNTER-STATEMENT FILED BY THE RESPONDENTS I.A.NO.3606 OF 2014 IN O.S.NO.66 OF 2007, II ADDITIONAL SUB COURT, KOZHIKODE.

EXT.P3-DATED 10-7-2015, TRUE COPY OF THE ORDER IN I.A.NO.4394 OF 2014 IN I.A.NO.2897 OF 2014 IN I.A.NO.4804 OF 2013 IN O.S.NO.66 OF 2007, II ADDITIONAL, SUB COURT, KOZHIKODE.

EXT.P4-DATED 6-8-2015, TRUE COPY OF THE JUDGMENT IN O.P.(C)NO.1855 OF 2015-O.

EXT.P5-DATED 2-6-2015, TRUE COPY OF I.A.NO.1814 OF 2015 IN O.S.66 OF 2007, II ADDITIONAL, SUB COURT, KOZHIKODE.

EXT.P6-DATED 2-6-2015, TRUE COPY OF I.A.NO.1815 OF 2015 IN O.S.NO.66 OF 2007, II ADDITIONAL SUB COURT, KOZHIKODE.

RESPONDENT'S EXHIBITS:

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K.ABRAHAM MATHEW, J

O.P.(C)NO.2182 OF 2015

Dated this the 10th day of September, 2015

J U D G M E N T

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Petitioners are the defendants in O.S.No.66 of 2007 on the file of the II Additional Subordinate Judge, Kozhikoe. The suit was for specific performance for agreement for sale. The decree has already been passed. There is a direction to deposit balance sale consideration. It is alleged that the respondents/plaintiffs failed to deposit the balance amount within the time allowed by the decree. The petitioners filed IA.No.3606 of 2014 under Section 28 (1) of the Specific Relief Act. They have filed Exts.P5 and P6 applications to summon certain documents and to serve interlocutory. Their complaint is that the trial court has not passed any order on those applications. Their only prayer is to issue a direction to the court to dispose of those applications. Notice is dispensed with.

2. Heard the counsel for the petitioner.

3. I am satisfied that the request is reasonable. Having regard to the facts of the case, the learned Sub Judge is directed to dispose of Exts.P5 and P6 applications

within one month from the date of receipt or production of this judgment.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

//True Copy//

PA to Judge