

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

OP(C).No. 2241 of 2015 (O)

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AGAINST THE ORDER/JUDGMENT IN OS 159/2014 of MUNSIFF COURT,
THIRUVALLA
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PETITIONER(S)/PLAINTIFF:

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JOHN P.JOHN AGED 64 YEARS
S/O.LATE P.C.CHACKO, PLANTHOTTAM HOUSE
ELAVINAL KOTTOOR P.O., KAVIYOOR VIA, KAVIYOOR VILLAGE
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SMT.P.K.PRIYA

RESPONDENT(S)/DEFENDANTS:

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- 1. M.K.VIJAYAN, AGED 48 YEARS
S/O.CHACKO YOHANNAN, MATHIMALAMANNAMURIYIL HOUSE
KAVIYOOR (VIA), KAVIYOOR VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT, 689649.**
 - 2. LILLY VIJAYAN, AGED 42 YEARS
W/O.M.K.VIJAYAN, MATHIMALAMANNAMURIYIL HOUSE
KAVIYOOR (VIA), KAVIYOOR VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT, 689645.**
 - 3. MARIAMMA.V.J., AGED 60 YEARS
W/O.JOHN.P.J., PLANTHOTTAM HOUSE
ELAVINAL KOTTOOR P.O., KAVIYOOR VIA, KAVIYOOR VILLAGE
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, 689645.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 18-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 2241 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: THE TRUE COPY PLAINT IN OS NO.159/2014 IN THE FILE OF
MUNSIFF'S COURT, THIRUVALLA.**

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.2241 of 2015

Dated this the 18th day of September, 2015

J U D G M E N T

Petitioner and the third respondent are the plaintiffs in O.S.No.159 of 2014 on the file of Munsiff, Thiruvalla. The suit is for fixation of boundary and consequential injunction. There is a prayer for recovery of possession also. The prayer is to direct the learned Munsiff to dispose of the suit without delay.

2. Heard the learned counsel for the petitioner.

3. It is submitted that though the suit was filed in February 2014 and respondents 1 and 2 entered appearance long before filing of this O.P. they have not filed a written statement. If that is true, the learned Munsiff should have proceeded with the trial without the written statement of respondents 1 and 2. If the written statement has already been filed, the learned Munsiff shall allow the petitioner and the third respondent to take further steps immediately so that the suit may be disposed of without delay.

In the result, this O.P. is disposed of with a direction to the learned Munsiff to dispose of the suit without delay.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge