

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. 2244 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN O.S.NO.42/2014 OF SUB COURT,
PAYYANNUR**

PETITIONER(S):

**MADAI THIRUVARKATTUKAVU DEVASWAM
REPRESENTED BY ITS EXECUTIVE OFFICER
CHIRAKKAL KOVILAKAM DEVASWAMS OFFICE, PO.CHIRAKKAL
KANNUR DISTRICT**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S):

- 1. B.THAYYIBA, AGED 71 YEARS
W/.LATE A.ALIKKKUTTY**
- 2. B.ASHRAF ALI, AGED 53 YEARS**
- 3. B.SALMA RASHEED, AGED 48 YEARS**
- 4. B.AQTHAR ALI, AGED 46 YEARS
ALL ARE RESIDING AT ERIPURAM
MADAYI AMSOM AND DESOM 670304, KANNUR DISTRICT**

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

OP(C).No. 2244 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1:TRUE COPY OF THE PLAINT DATED 16.10.2014 FILED BY THE PETITIONER HEREIN IN OS.NO.42/2014 ON THE FILE OF THE SUB COURT, PAYYANNUR.

EXHIBIT-P2:TRUE COPY OF THE IA.NO.1375/2014 IN OS.NO.42/2014.

EXHIBIT-P3:TRUE COPY OF THE COUNTER STATEMENT DATED 18.12.2014 FILED BY THE RESPONDENTS IN IA.NO.1375/2014.

EXHIBIT-P4:TRUE COPY OF THE REPORT DATED 30.10.2014 OF THE ADVOCATE COMMISSIONER

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PATO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.2244 of 2015

Dated this the 18th day of September, 2015

J U D G M E N T

petitioner is the plaintiff in O.S.No.42 of 2014 on the file of Sub Judge, Payyannur. The suit is for a perpetual injunction; along with the plaint he filed IA.No.37 of 2014 for a temporary prohibitory injunction. The grievance is that the learned Sub Judge has not disposed it of and the respondents/defendants are doing construction work in the property. The prayer is to grant an injunction restraining the construction and for a direction to the learned Sub Judge to dispose of Ext.P2 application, IA.No.1375 of 2014.

2. Heard the learned counsel for the petitioner.

3. I am fully satisfied that the learned Sub Judge should have disposed of IA.No.1375 of 2014 immediately after the appearance of the respondents/defendants. The reasons for not disposing it of are not known. But it is not proper for this court to grant the injunction prayed for. A direction will be issued to the Sub Judge to dispose of

IA.No.1375 of 2014 at least within 15 days from the date of receipt or production of a copy of this judgment.

In the result, this O.P. is disposed of with a direction to the learned Sub Judge to dispose of Ext.P2 I.A.No.1375 of 2014 within 15 days from the date of receipt or production of a copy of this judgment.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge