

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K. ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

OP(C).No. 2283 of 2015 (O)

AGAINST O.S.NO. 67/1995 OF THE SUB COURT, NEYYANTTINKARA

PETITIONER/40th DEFENDANT:

**G.MOHANDAS, AGED 71 YEARS,
S/O. GOPALAN, 'SIVAM', LANE 6 AMBELIPADAM ROAD, VYTILO,
TRIPUNITHURA VILLAGE, KANAYANNUR TALUK, ERNAKULAM.**

**BY ADVS.SRI.N.D.PREMACHANDRAN
SRI.D.AJITHKUMAR**

RESPONDENT(S):

- 1. VASUDEVAN BALAKRISHNAN, TC 26/2121, STATUTE ROAD,
VANCHIYOOR, THIRUVANANTHAPURAM – 695 035. (DIED AND LEGAL
HEIRS ARE IMPEADED AS RESPONDENTS 65 TO 67)**
- 2. JANAKI CHELLAMMA, SREENILAYATHIL, KEEZHKOLLA DESOM,
CHENKAL VILLAGE, THIRUVANANTHAPURAM (DIED AND LEGAL
HEIRS ARE IMPEADED AS RESPONDENTS 40 TO 47)**
- 3. RAMAN KRISHNAN, KUZHVILAKATH HOUSE, THALAYIL DESOM,
ADHIYANNOOR VILLAGE (DIED AND LEGAL HEIRS ARE IMPEADED AS
RESPONDENTS 48 TO 53)**
- 4. RAMAN GANGADHARAN, SREEMANGALAM HOUSE, SIVAGIRI ROAD,
CHERUKUNNAM, VARKALA, CHIRAYINKEEZH TALUK (DIED AND
LEGAL HEIRS ARE IMPEADED AS RESPONDENTS 54 TO 57)**
- 5. PONNAMMA SARASWATHI, VS NIVAS, THALAYAL DESOM,
ADHIYANNOOR VILLAGE, THIRUVANANTHAPURAM 695 123. (DIED,
LEGAL HEIRS ARE RESPONDENTS 6,7,8 AND 9)**
- 6. VISWAMBARAN VIJAYAN, VS NIVAS, THALAYAL DESOM, ADHIYANNOOR
VILLAGE, THIRUVANANTHAPURAM 695 123.**

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7. VISWAMBARAN RADHAKRISHNAN, VS NIVAS, THALAYAL DESOM, ADHIYANOOR VILLAGE, THIRUVANANTHAPURAM 695 123.
8. VISWAMBARAN HARIDAS, VS NIVAS, THALAYAL DESOM, ADHIYANOOR VILLAGE, THIRUVANANTHAPURAM 695 123.
9. VISWAMBARAN SANTHOSHKUMAR, VS NIVAS, THALAYAL DESOM, ADHIYANOOR VILLAGE, THIRUVANANTHAPURAM 695 123.
10. JANAKI VIMALAMMA, KALLASSARIVILA HOUSE, NILAMEL, KADAVATTARAM DESOM, NEYYATTINKARA VILLAGE, THIRUVANANTHAPURAM. (DIED AND LEGAL HEIRS ARE IMPEADED AS RESPONDENTS 38 TO 39)
11. RAMAN RAMACHANDRAN, SREENILAYAM, KEEZHKOLLA DESOM, CHENKAL VILLAGE THIRUVANANTHAPURAM- 695 132.
12. RAVEENDRAN SREENIVASAN, RAVISMURITHI, THALAYAL DESOM, ADHIYANOOR VILLAGE, THIRUVANANTHAPURAM – 695 123.
13. SANTHAKUMARI JINA, RAVISMURITHI, THALAYAL DESOM, ADHIYANOOR VILLAGE, THIRUVANANTHAPURAM – 695 123.
14. JANAKI LEELAKUMARI, AMLI HOME, THALAYAL DESOM, ADHIYANNOOR VILLAGE, THIRUVANANTHAPURAM – 695 123.
15. KANTHIMATHI LALITHA, TC 26/2013, TUITORS LANE, VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM – 695 035.
16. VASUDEVAN HARIDAS, TC 26/2131, STATUE ROAD, VANCHIYOOR VILLAGE, THIRUVANANTHAPURAM – 695 035.
17. SAROJINI SULOCHANA, VILAYIL VEEDU, HOUSE NO. 900, WARD NO.2, VENJARAMOODU,, NELLANADU, CHIRAYINKEEZH TALUK, THIRUVANANTHAPURAM – 695 606.
18. SULOCHANA JOOLI S GOPINATH, VILAYIL VEEDU, HOUSE NO.900, WARD NO.2, VENJARAMOODU,, NELLANADU, CHIRAYINKEEZH TALUK, THIRUVANANTHAPURAM – 695 606.
19. PONNAMMA SANTHAKUMARI, SANTHA BHAVAN, TC 5/154 A, PEROORKADA, THIRUVANANTHAPURAM 695 005.
20. LAKSHMI KANTHIMATHI, THATTARUKONATH MELE PUTHEN VEEDU, NADUVOOR KOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.
21. KANDHIMATHI DEVIKUMARI, THATTARUKONATH MELE PUTHEN VEEDU, NADUVOOR KOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.

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22. KANDHIMATHI SANTHI, THATTARUKONATH MELE PUTHEN VEEDU, NADUVOOR KOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.
23. KANDHIMATHI SARASWATHI, THATTARUKONATH MELE PUTHEN VEEDU, NADUVOOR KOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.
24. KANDHIMATHI INDIRA, THATTARUKONATH MELE PUTHEN VEEDU, NADUVOOR KOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.
25. KRISHNAN MOHANACHANDRAN, KUTHUPALAM VEEDU, NADUVOORKOLLA DESOM, KALLAYIL VILLAGE, PIN 695 122.
26. D. KRISHNAN, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121, (DIED, LEGAL HEIRS AS RESPONDENTS 30 TO 37).
27. SELVARAJ, S/O. DAMSI, PUTHENVEETIL, CHEMMANUVILAKOM, RC THERUVU, AMARAVILA, NEYYATTINKARA, THIRUVANANTHAPURAM -695 122.
28. SHARLET, D/O. JOSAFINE LAWRENCE, CHEMMANUVILAKOM, PUTHENVEEDU, RC THERUVU, AMARAVILA, NEYYATTINKARA, THIRUVANANTHAPURAM -695 122.
29. BHAGAVATHI AMMUKUTTY, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121, (DIED, LEGAL HEIRS AS RESPONDENTS 31 TO 37).
30. KRISHNAN SAMBASIVAN, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
31. AMMUKUTTY USHA, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
32. AMMUKUTTY LATHIKA, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
33. KRISHNAN MANOHARAN, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
34. KRISHNAN PRATHAPAN, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
35. KRISHNAN SANALKUMAR, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
36. AMMUKUTTY THANKAM, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.
37. KRISHNAN VINOD, ANANTHAVILAKATH VEEDU, IRUMPIL DESOM, PIN 695 121.

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38. MURUKESAN, KALLASSARIVILA VEEDU, NILAMAYIL, KADAVATTARAM DESOM, NEYYATTINKARA VILLAGE, PIN 695 121.
39. VIMALAMMA USHA, KALLASSARIVILA VEEDU, NILAMAYIL, KADAVATTARAM DESOM, NEYYATTINKARA VILLAGE, PIN 695 121.
40. INDIRA, W/O. GOPALAN KRISHNAMOORTHY, 'INDIRA', JAYA NAGAR, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM – 695 011.
41. DEVIPRIYA, D/O. GOPALAN KRISHNAMOORTHY, 'INDIRA', JAYA NAGAR, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM – 695 011.
42. KRISHNAMOORTHY BIJU, S/O. GOPALAN KRISHNAMOORTHY, 'INDIRA', JAYA NAGAR, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM – 695 011.
43. INDIRA ANJU, S/O. GOPALAN KRISHNAMOORTHY, 'INDIRA', JAYA NAGAR, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM – 695 011.
44. SARASWATHI RAJANI, W/O. GOPALAN GOPINATHAN, NO.8, THYCAUD ELENKOM RESIDENTIAL ASSOCIATION, THYCAUD P.O., THIRUVANANTHAPURAM – 695 014.
45. GOPINATHAN RAJESH, S/O. GOPALAN GOPINATHAN, NO.8, THYCAUD ELENKOM RESIDENTIAL ASSOCIATION, THYCAUD P.O., THIRUVANANTHAPURAM – 695 014.
46. GOPINATHAN AJEESH, S/O. GOPALAN GOPINATHAN, NO.8, THYCAUD ELENKOM RESIDENTIAL ASSOCIATION, THYCAUD P.O., THIRUVANANTHAPURAM – 695 014.
47. RAJANI PARVATHY, D/O. GOPALAN GOPINATHAN, NO.8, THYCAUD ELENKOM RESIDENTIAL ASSOCIATION, THYCAUD P.O., THIRUVANANTHAPURAM – 695 014.
48. K.R. RAJENDRAN, S/O. RAMAN KRISHNAN, USHAS, ARULUMOODU P.O., THIRUVANANTHAPURAM – 695 123.
49. LEELA JAYADEVAN, D/O. RAMAN KRISHNAN, SN NILAYAM, ARULUMOODU P.O., THIRUVANANTHAPURAM – 695 123.
50. LEELA AMBIKAKUMARI, D/O. RAMAN KRISHNAN, KUZHIVILAKATHU VEEDU, ARULUMOODU P.O., THIRUVANANTHAPURAM – 695 123.
51. KRISHNAN JAYAKRISHNAN, S/O. RAMAN KRISHNAN, KUZHIVILAKATHU VEEDU, ARULUMOODU P.O., THIRUVANANTHAPURAM – 695 123.
52. KRISHNAN JAYARAJAN, S/O. RAMAN KRISHNAN, KUZHIVILAKATHU VEEDU, ARULUMOODU P.O., THIRUVANANTHAPURAM – 695 123.

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53. P. KAMALABAI, W/O. RAMAN GANGADHARAN, SREEMANGALAM, SIVAGIRI ROAD, VARKALA P.O., PIN – 695 141.
 54. VIJAYAKUMAR G, S/O. LATE RAMAN GANGADHARAN, SREEMANGALAM, THOPPIL JUNCTION, MAYYANADU P.O., KOLLAM – 691 303.
 55. GIRIJA G., D/O. LATE RAMAN GANGADHARAN, SREEMANGALAM, SIVAGIRI ROAD, VARKALA P.O., PIN – 695 141.
 56. SIVAKUMAR, S/O. LATE RAMAN GANGADHARAN, SREEMANGALAM, SIVAGIRI ROAD, VARKALA P.O., PIN – 695 141.
 57. T.C. RAJAN, H/O. KANTHIMATHI LALITHA, NO.8, TC 26/2156, TUTORS LANE ROAD, STATUTE, THIRUVANANTHAPURAM – 695 001.
 58. LALITHA LATHA, D/O. KANTHIMATHI LALITHA, NO.8, TC 26/2156, TUTORS LANE ROAD, STATUTE, THIRUVANANTHAPURAM – 695 001.
 59. RAJAN JAYAPPAN, S/O. KANTHIMATHI LALITHA, NO.8, TC 26/2156, TUTORS LANE ROAD, STATUTE, THIRUVANANTHAPURAM – 695 001.
 60. LALITHA GIRIJA, D/O. KANTHIMATHI LALITHA, NO.8, TC 26/2156, TUTORS LANE ROAD, STATUTE, THIRUVANANTHAPURAM – 695 001.
 61. BHASKARAN VIJAYANTHY, W/O. VASUDEVAN HARIDAS, KANTHI FLATS, TUTORS LANE, STATUTE, THIRUVANANTHAPURAM – 695 001.
 62. HARIDAS KRISHNAN, S/O. VASUDEVAN HARIDAS, KANTHI FLATS, TUTORS LANE, STATUTE, THIRUVANANTHAPURAM – 695 001.
 63. HARIDAS RASMI, D/O. VASUDEVAN HARIDS, KANTHI FLATS, TUTORS LANE, STATUTE, THIRUVANANTHAPURAM – 695 001.
 64. HARIDAS RAJAN, S/O. VASUDEVAN HARIDAS, KANTHI FLATS, TUTORS LANE, STATUTE, THIRUVANANTHAPURAM – 695 001.
 65. VIJAYALAKSHMI, AGED 62, W/O. LATE BALAKRISHNAN, TC NO. 26/2131, STATUE ROAD, VANCHIYOOR, THIRUVANANTHAPURAM.
 66. SABU, S/O. LATE BALAKRISHNAN, AGED 42, TC NO. 26/2131, STATUE ROAD, VANCHIYOOR, THIRUVANANTHAPURAM.
 67. SABITHA BALAKRISHNAN, D/O. LATE BALAKRISHNAN, AGED 36, STATUE ROAD, VANCHIYOOR, THIRUVANANTHAPURAM.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1: A COPY OF OS NO. 67/1995 DATED 15.3.1995.

EXHIBIT P2: A COPY OF THE JUDGMENT DATED 11.11.1999 IN OS NO. 56 OF 1994 OF THE SUB COURT, NEYYATTINKARA.

EXHIBIT P3: A COPY OF INTERLOCUTORY APPLICATION NO. 85 OF 2004 DATED 9.1.2004 FILED BY THE PETITIONER BEFORE THE SUB COURT, NEYYATTINKARA.

EXHIBIT P4: A COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER.

EXHIBIT P5: A COPY OF THE INTERLOCUTORY APPLICATION NO. 84 OF 2004 DATED 9.1.2004 FILED BY THE PETITIONER BEFORE THE SUB COURT, NEYYATTINKARA.

EXHIBIT P6: A COPY OF THE JUDGMENT IN OP(C) NO. 2711 OF 2011 DATED 6.12.2012 OF THIS HON'BLE COURT.

EXHIBIT P7: A COPY OF THE INTERLOCUTORY APPLICATION NO.555 OF 2015 DATED 16.6.2015 FILED BY THE PETITIONER BEFORE THE SUB COURT, NEYYATTINKARA.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A. TO JUDGE

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K. ABRAHAM MATHEW, J.

O.P.(C)No.2283 of 2015

Dated this the 23rd day of September, 2015

J U D G M E N T

Petitioner is the defendant No.40 in O.S.No.67 of 1995 which is a suit for partition. Defendants 26 and 27 were set ex parte. They filed application to set aside preliminary decree passed in the suit. That was dismissed. In O.P.No.2711 of 2011 by Ext.P6 judgment this court set aside the order and direct the trial court to dispose of the application in accordance with law. The complaint is that the trial court has not disposed of the application so far. The request is to direct the trial court to dispose of the application without delay.

2. Heard.

3. I think the request is reasonable. This court passed Ext.P6 judgment in December 2012. Even after more than two years the applications have not been disposed of. So it is only proper that the trial court is directed to dispose of the applications within three months.

In the result, the trial court is directed to dispose of

I.A.Nos1280 of 2004 and 1281 of 2004 within three months if service on all the parties is complete.

K. ABRAHAM MATHEW
JUDGE

R.AV