

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

OP(C).No. 2390 of 2015 (O)

I.A. NO.225/2014 IN AS. NO.34/2014 OF DISTRICT COURT, PALAKKAD.

.....

PETITIONER/PETITIONER/APPELLANT:

**MADHUMOHAN K., AGED 50 YEARS,
S/O.VANGALLOORKOLPPATTIL DECEASED
NARAYANANEZHUTHASSAN, CHERUPLASSERY AMSOM DESOM,
CHERUPLASSERY P.O., OTTAPPALAM TALUK.**

BY ADV. SRI.L.RAJESH NARAYAN IYER.

RESPONDENT/RESPONDENT/RESPONDENT:

**K. SETHUMOHAN, AGED 55 YEARS,
S/O.VANGALLOOR KOLPPATTIL DECEASED
NARAYANANEZHUTHASSAN, CHERUPLASSERY AMSOM DESOM,
CHERUPLASSERY P.O., OTTAPPALAM TALUK, PIN-679 101.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT IN O.S. NO.49/2011 DATED 02/02/2011
ON THE FILE OF THE HON'BLE SUB COURT, OTTAPPALAM.
- EXT.P2 COPY OF THE JUDGMENT DATED 30/11/2013 IN O.S. NO.49/2011
OF THE HON'BLE SUB COURT, OTTAPPALAM.
- EXT.P3 COPY OF THE DECREE DATED 30/11/2013 IN O.S. NO.49/2011
OF THE HON'BLE SUB COURT, OTTAPPALAM.
- EXT.P4 COPY OF THE AFFIDAVIT AND PETITION AS I.A.225/2014
DATED 04/02/2014.
- EXT.P5 COPY OF THE ORDER DATED 21/08/2015 IN I.A. NO.225/2014
IN A.S. NO.34/2014 ON THE FILE OF THE HON'BLE DISTRICT
COURT, PALAKKAD.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2390 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

Petitioner was the plaintiff in O.S.No.49 of 2011 on the file of Sub Judge, Ottapalam, which was dismissed. He has filed AS.No.34 of 2014 challenging the decree. In the appeal he filed IA.No.225 of 2014 for a temporary injunction, which has been dismissed by Ext.P5 order. Its correctness is challenged.

2. Heard.

3. I have perused the judgment of the learned Sub Judge and the order passed by the appellate court in the injunction application. I do not find any illegality or irregularity in the impugned order. The apprehension of the petitioner is that if the valuable tress are cut and removed, it will cause much loss to him. If his appeal is allowed he can claim compensation. Yet another submission of the learned counsel is that the property is likely to be alienated. The alienation will be subject to the result of the appeal. So I am not inclined to interfere with

the impugned order.

In the result, this O.P is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge