

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

OP(C).No. 2404 of 2015 (O)

OS.NO. 220/2009 AND O.S.NO.318/2009 OF MUNSIFF COURT, CHANGANACHERRY

PETITIONER :

**ABRAHAM NINAN,S/O.NINAN, AGED 66 YEARS,
CHIRATHALATTU HOUSE, VAKATHANAM.P.O.,
VAKATHANAM VILLAGE, KOTTAYAM DISTRICT.**

BY ADV. SRI.JOSEKUTTY MATHEW

RESPONDENT(S):

- 1. P.V KURIAN, AGED 63 YEARS,
JYOTHIS VILLA, VAKATHANAM KARA, VAKATHANAM VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT-686 101**
- 2. K.O.THOMAS, AGED 63 YEARS, KIZHAKKEDATHU HOUSE,
VAKATHANAM KARA, VAKATHANAM VILLAGE,
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT-686 538**
- 3. STATE OF KERALA, REPRESENTED BY TAHASILDAR,
CHANGANACHERRY-686 101**
- 4. STATE OF KERALA, REPRESENTED BY VILLAGE OFFICER,
VAKATHANAM-686 538**

R3 & R4 BY SR GOVERNMENT PLEADER SMT.C.K.SUNITHA KUMARI

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(C).NO.2404/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE COMMON JUDGMENT IN O.S.NO.220/2009 AND 318/2009 OF MUNSIF COURT CHANGANACHERRY DATED 31/10/2011**
- P2 COPY OF THE COMMON JUDGMENT IN A.S.NO.283/2011 AND A.S.NO.284/2011 OF ADDITIONAL DISTRICT JUDGE (SPECIAL) DATED 11/8/2014**
- P3 COPY OF THE PLAINT IN OS.NO.376/2014 OF CHANGANACHERRY MUNSIF COURT DATED 16/9/2014**
- P4 COPY OF THE COMMISSION APPLICATION IN O.S.NO.376/2014 DATED 21/1/2015**
- P5 COPY OF THE JOINT TRAIL PETITION IN O.S.NO.376/2014 DATED 14/10/2014**
- P6 COPY OF THE WRITTEN STATEMENT OF D1 AND D2 IN O.S.NO.376/2014 DATED 30/7/2015**
- P7 COPY OF THE WRITTEN STATEMENT FILED BY THE 3RD DEFENDANT DATED 9/7/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. ABRAHAM MATHEW, J.

O.P.(C)No. 2404 of 2015

Dated this the 7th day of October, 2015

J U D G M E N T

Petitioner is one of the defendants in O.S.No.220 of 2009 and O.S.No.318 of 2009 on the file of Munsiff, Changanacherry. The suits were dismissed after trial. In appeal the decree was set aside and the matter was remanded. Thereafter, the petitioner filed O.S.No.376 of 2014 in the very same court with regard to the very same subject matter. He has filed Ext.P4 commission application and Ext.P5 application to try all the three suits together. His complaint is that these two applications have not been disposed of.

2. Heard.

3. There is no dispute that the first two suits are ripe for trial and the third suit filed by the petitioner is not. It stands posted for pre-trial steps. It is still the duty of the learned Munsiff to dispose of Ext.P4 commission application and Ext.P5 joint trial application.

In the result, this O.P is disposed of with a direction to the learned Munsiff to dispose of Exts.P4 and P5

O.P.(C)No. 2404 of 2015 2

applications without delay.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge