

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. 2408 of 2015 (O)

AS.NO. 89/2015 OF DISTRICT COURT, NORTH PARAVUR

OS.NO. 509/2011 OF MUNSIF COURT, NORTH PARAVUR

PETITIONER(S):

1. PETER, AGED 75 YEARS,
S/O. PAILY, MALIYEKKAL, MUNAMBAM MURI,
KUZHUPPILLY VILLAGE, KOCHI TALUK.
2. MARY PETER, AGED 62 YEARS,
W/O. PETER, MALIYEKKAL, MUNAMBAM MURI,
KUZHUPPILLY VILLAGE, KOCHI TALUK.
3. SONIYA, AGED 40 YEARS,
W/O.NEPOLEAN, MALIYEKKAL, MUNAMBAM MURI,
KUZHUPPILLY VILLAGE, KOCHI TALUK.
4. M.N. NAVEEN (MINOR), AGED 13 YEARS,
S/O.NEPOLEAN, MALIYEKKAL, MUNAMBAM MURI,
KUZHUPPILLY VILLAGE,KOCHI TALUK.
REP BY GUARDIAN AND MOTHER 3RD RESPONDENT, SONIYA.
5. SAVEEN, (MINOR), AGED 7 YEARS,
S/O. NEPOLEAN, MALIYEKKAL, MUNAMBAM MURI,
KUZHUPPILLY VILLAGE, KOCHI TALUK.
REP. BY GUARDIAN AND MOTHER 3RD RESPONDENT, SONIYA.

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

1. PALLIPPURAM GRAMA PANCHAYATH, REP. BY PALLIPPURAM
GRAMA PANCHAYATH PRESIDENT. PIN-683 514
2. PALLIPPURAM GRAMA PANCHAYATH,
REP. BY SECRETARY, PALLIPURAM GRAMA PANCHAYATH,
PALLIPPURAM P.O., CHERAI, PIN-683 514

**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. 2408 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE APPEAL MEMORANDUM A.S.NO. 89/2015 IN THE FILES OF THE PRINCIPAL DISTRICT COURT, NORTH PARAVUR. WITHOUT DOCUMENTS.

EXHIBIT-P2- TRUE COPY OF THE INJUNCTION PETITION IN I.A 575/2015 FILED BY THE PETITIONERS.

EXHIBIT-P3- TRUE COPY OF THE DELAY CONDONATION PETITION I.A 576/2015 FILED BY THE PETITIONERS.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. ABRAHAM MATHEW, J.

O.P.(C)No. 2408 of 2015

Dated this the 7th day of October, 2015

J U D G M E N T

Petitioner is the appellant in AS.No.59 of 2015 on the file of District Judge, North Paravur. There was a delay of 26 days in filing the appeal. He has filed Ext.P3 application to condone the delay. He has filed Ext.P2 application for injunction. His only prayer is to direct the District Judge to dispose of the applications without delay. I am satisfied that the request is reasonable.

In the result, this O.P is disposed of with a direction to the learned District Judge to first dispose of Ext.P3 application and if the appeal happens to be taken on file to dispose of Ext.P2 application within a reasonable time.

If the petitioner makes an undertaking in the form of an affidavit that he will vacate the property within seven days in case his appeal happens to be dismissed, the order for eviction shall not be enforced till the application for delay condonation is disposed of.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge