

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

OP(C).No. 2429 of 2015 (O)

OS 1/2012 OF MUNSIFFS COURT, VADAKKANCHERRY

PETITIONER(S):

**SWAPNA RAMACHANDRAN,
AGED 43 YEARS, W/O.RAMACHANDRAN,
KOTHAKANDATH HOUSE, VELLUR VILLAGE,
THALAPALLY TALUK.**

**BY ADVS.SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN
SRI.NELSON JOSEPH
SRI.M.D.JOSEPH**

RESPONDENT(S):

- 1. SALIL KRISHNAN, AGED 38 YEARS,
S/O.SAROJINI, MANIKATH HOUSE,
MINNALLUR P.O., PIN-680058.**
- 2. SITHARA ANIL KUMAR, AGED 39 YEARS,
W/O.ANIL KUMAR, PADMAGOVINDAM,
NADAVARAMBU, IRINJALAKUDA.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 09-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF THE JOINT STATEMENT FILED BY THE PARTIES.**
- EXT.P2 TRUE COPY OF THE PRELIMINARY DECREE AND JUDGMENT**
- EXT.P3 TRUE COPY OF THE APPLICATION IN IA.1425/14**
- EXT.P4 TRUE COPY OF THE REPORT FILED BY THE COMMISSIONER**
- EXT.P5 TRUE COPY OF THE AUCTION PROCEEDINGS REPORT FILED BY THE
ADVOCATE COMMISSIONER**
- EXT.P6: TRUE COPY OF THE IA.2704/2015 FILED BY THE R1**
- EXT.P7: TRUE COPY F THE SAID APPLICATION IA.3183/15**
- EXT.P8: TRUE COPY OF THE TRERASURY CHALLAN.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

O.P.(C)No.2429 of 2014

Dated this the 20th day of November, 2015

J U D G M E N T

Petitioner is the plaintiff and the respondent the defendants in OS.246/2014 of Munsiff Court, Cherthala. By Ext.P5 order the respondents have been restrained from interfering with the right of the petitioner to enjoy the plaint schedule Item No.1 and from causing obstruction on the path way leading to the plaint schedule item No.1. It is alleged that the respondents violated the order and caused obstruction on the path way. The petitioner filed Ext.P9 application to enforce the order with the help of police. That has been dismissed as seen from Ext.P11 order. This order is challenged in this OP.

2. Heard.

3. In the nature of the case, the police cannot be directed to enforce the order of injunction. It is only proper that the petitioner is directed to file an application under Order 39 Rule 2A CPC for prosecution of the respondents. If such an application is filed, the learned Munsiff shall conduct an enquiry and dispose it of within two months.

The respondents shall not violate the order again and again inviting the court to take stern action against them.

In the result, this OP is disposed of with the above direction.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge