

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

OP(C).No. 2504 of 2015 (O)

OS 82/2013 of PRINCIPAL SUB COURT, KOCHI, DATED 23-10-2014

PETITIONER(S):

**KUMARI, AGED 54 YEARS,
W/O.(THE LATE) PARAMAN, VELLUTHAITHARA,
NAYARAMBALAM KARA, NAYARAMBALAM VILLAGE-685209.**

BY ADV. SMT.K.NANDINI

RESPONDENT(S):

**SASI, S/O.BAVACHAN,
AGED 55 YEARS, KAITHAVALAPPIL HOUSE,
NAYARAMBALAM P.O., KOCHI,
ERNAKULAM DISTRICT-682509.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 16-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE PLAINT IN OS.82/2013 DATED 4/4/13 OF THE SUB COURT,
- P2: COPY OF THE MEMORANDUM OF AGREEMENT DATED 16/10/14
- P2(A): COPY OF THE COMMON JUDGMENT DATED 23/10/14 IN OS.217/2012
OS.NO.79/2013 AND OS.82/13 OF SUB COURT, KOCHI
- P3: COPY OF THE COMPLAINT DATED 15/5/15 SUBMITTED BY THE PETITIONER
BEFORE THE C.I.OF POLICE NARAKKAL
- P3(A): COPY OF THE ACKNOWLEDGEMENT
- P4: COPY OF THE COMPLAINT TO THE SI.OF POLICE, NARAKKAL DATED 16/6/11
- P4(A): COPY OF THE ACKNOWLEDGEMENT RECEIPT
- P5: COPY OF LAWYER'S NOTICE DATED 22/5/15 FROM THE PETITIONER TO THE
RESPONDENT
- P6: COPY OF THE COUNTER AFFIDAVIT IN IA.563/15 IN OS.82/13 DATED 30/6/15
- P7: COPY OF THE COUNTER AFFIDAVIT IN IA.5674/15 IN OS.82/13 DATED 30/6/15
- P8: COPY OF THE AFFIDAVIT WITH IA.727/15 DATED 31/7/15 FILED BY THE
PETITIONER BEFORE SUB COURT, KOCHI.

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JDUGE

PJ

K. ABRAHAM MATHEW, J.

O.P.(C) No.2504 of 2015

Dated this the 16th day of October, 2015

J U D G M E N T

Petitioner was the defendant in O.S.No.82 of 2013 on the file of Sub Judge, Kochi. A compromise decree was passed. Thereafter, the petitioner filed Ext.P8 IA.No.727 of 2015 for appointment of a commissioner to sell the property. One of the prayers in this O.P is to direct the learned Sub Judge to dispose it of in a time bound manner. Maintainability of this application is doubtful. The learned Sub Judge shall try to dispose it of within one month from today.

2. Another prayer is to direct the learned Sub Judge to keep in abeyance the proceedings pertaining to IA.Nos.563 of 2015 and 564 of 2015 filed by the respondents. It is not known for what purpose they have been filed. If they are pending, the learned Sub Judge is directed to dispose them also.

In the result, this O.P is disposed of with a direction to the learned Sub Judge to dispose of Ext.P8 application

and IA.No.563 of 2015 and 564 of 2015 if they are pending.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge
