

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

OP(C).No. 2534 of 2015 (O)

OS 131/2009 of ADDITIONAL SUB COURT, PALAKKAD

PETITIONER :

KUTTAN AGED 50 YEARS

S/O. MUTHUMOOTHAN, KOLATHUPARAMBA KANNIMOOTHAN VEEDU
KODUVAYUR AMSOM, CHITTUR TALUK, PALAKKAD DISTRICT

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS :

1. CHANDRIKA

W/O. SUBRAMANIAN @ RAVI, NEAR CHATTAMBI TEMPLE
KARNAKI NAGAR, MOOTHANTHARA, PALAKKAD 678 006

2. MALLIKA

W/O. RAJAGOPALAN, OPP. SCHOOL, KARNAKI NAGAR
MOOTHANTHARA, PALAKKAD 678 006

3. CHANDRAN

KANNIMOOTHAN VEEDU, KODUVAYUR AMSOM
PALAKKAD DISTRICT 678 101

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 20-10-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 2534 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PETITION AND AFFIDAVIT IN I.A NO 2995/2015 IN F.D.I.A NO 698/2010 IN O.S NO 131/2009 PENDING BEFORE THE ADDITIONAL SUB COURT, PALAKKAD

EXHIBIT P2 TRUE COPY OF THE PETITION AND AFFIDAVIT IN I.A NO 2994/2015 IN F.D.I.A NO 698/2010 IN O.S.NO 131/2009 PENDING BEFORE THE ADDITIONAL SUB COURT, PALAKKAD

EXHIBIT P3 TRUE COPY OF E.P NO 148/2015 IN F.D.I.A NO 698/2010 IN O.S NO 131/2009 PENDING ON THE FILE ON THE PRINCIPAL SUB COURT, PALAKKAD

EXHIBIT P4 TRUE COPY OF E.P NO 167/2015 IN O.S NO 131/2009 ON THE FILE ON THE PRINCIPAL SUB COURT, PALAKKAD

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.ABRAHAM MATHEW, J.

O.P.(C).No.2534 of 2015

Dated this the 20th day of October, 2015

J U D G M E N T

Petitioner was the defendant in O.S.No.131 of 2009 which was for partition. He was set *ex-parte*. In the final decree proceedings also he did not appear. When the property was ordered to be delivered in execution of the final decree he filed Exts.P1 and P2 applications to set aside the final decree after condoning delay in filing the application. He now apprehends that delivery will be ordered by the court before his Exts.P1 and P2 applications are disposed of.

2. Heard.

3. It is not proper for me to make any comments about the merits of the petitioner's claim. But in the interest of justice the trial court is directed to dispose of Exts.P1 and P2 applications as expeditiously as possible and the delivery of the property to the other sharers shall stand adjourned if the petitioner's make an undertaking in the form of an affidavit in the executing court within 15 days that he will have no objection to the court's effecting delivery, if his Exts.P1 and P2 applications are dismissed.

This original petition is disposed of as above.

Sd/-

K.ABRAHAM MATHEW, JUDGE

AV/27/10