

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

O.P. (C).No. 2653 of 2015 (O)

O.S. No.368/2011 OF MUNSIF COURT, WADAKKANCHERY

PETITIONER(S):

- 1. BABU @ JACOB, AGED 65 YEARS,
S/O. ERAZHAYATH GEORGE, MELILLAM DESOM,
MANALITHARA VILLAGE, TALAPPILLY TALUK.**
- 2. LEELA, AGED 55 YEARS,
W/O. ERAZHAYATH JACOB, MELILLAM DESOM,
MANALITHARA VILLAGE, TALAPPILLY TALUK.**

BY ADV. SRI. G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. SHAJU, AGED 43 YEARS,
S/O. MANDOLIL MARKOSE, MELILLAM DESOM,
MANALITHARA VILLAGE, TALAPPILLY TALUK - 680 001.**
- 2. SHIBU, AGED 38 YEARS,
S/O. MARAMKANDATHIL SAKARIYA, MELILLAM DESOM,
MANALITHARA VILLAGE, TALAPPILLY TALUK - 680 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 :** **A COPY OF THE PLAINT IN O.S No.368 OF 2011 DATED 19-7-2012 ON THE FILE OF THE MUNSIFF COURT, WADAKKANCHERY.**
- EXT. P2 :** **A COPY OF THE COMMISSIONERS REPORT AND PLAN IN IA.No.1612 OF 2011 IN EXT. P1 SUIT DATED 28-7-2011.**
- EXT. P3 :** **A COPY OF THE COMMON ORDER IN I.A.No.1613 AND 1884 OF 2011 IN EXT. P1 DATED 04-03-2013 ON THE FILE OF THE MUNSIFF COURT, WADAKKANCHERY.**
- EXT. P4 :** **A COPY OF THE COMMON JUDGMENT IN CMA NOS. 41 AND 42 OF 2013 DATED 7-7-2015 ON THE FILE OF THE FIRST ADDL. DISTRICT, THRISSUR.**

RESPONDENT(S)' EXHIBITS **- NIL**

//TRUE COPY//

P.A. TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2653 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

Petitioners are the plaintiffs in O.S. No.368/2011. They filed two applications in the trial court, one for prohibitory injunction and other for mandatory injunction. Both were dismissed. They filed CMA against both orders. Both CMAs were disposed of. Correctness of the findings is challenged in this Original Petition.

2. Heard.

3. A Perusal of the impugned judgments do not incline me to interfere with them. The suit was instituted in 2011. It is only proper that the Munsiff is directed to dispose it of within six months from the date of receipt or production of a copy of this judgment.

Sd/-
K. ABRAHAM MATHEW
JUDGE

ww/04/11/2015