

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

OP(C).No. 2670 of 2015 (O)

AS 13/2013 OF SUB COURT, TIRUR.
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PETITIONER:

**K.P.ABDUL AZEES, AGED 73 YEARS,
S/O.ABDU, KUNNATH PARAMBIL HOUSE,
OTHALLOOR AMSOM KOKOOR DESOM,
PONNANI TALUK, (CHAIRMAN ASSABAH
ASSOCIATION TRUST, PAVITTAPPURAM
P.O OTHALLOOR WEST)MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.RAMACHANDRAN
SMT.K.MALINI**

RESPONDENTS:

- 1. P.P.KHALID, AGED 49 YEARS,
S/O.MUHAMMEDKUTTY,
PARANGODATH VALAPPIL HOUSE,
P O KOKKUR, OTHALUR AMSOM,
CHIYYANNUR DESOM(GENERAL SECRETARY,
MUMMEDKUTTY SAHIB MEMMORIAL CHARITABLE TRUST,
VALAYAMKULAM), MALAPPURAM DISTRICT - 679591.**
- 2. T.M SALAM, AGED 49 YEARS,
S/O.MOIDUNNI, THEKKUM VALAPPIL HOUSE,
P.O OTHALUR, OTHALUR AMSOM DESOM,
(TRUST SECRETARY)MALAPPURAM DISTRICT-679591.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(C).No. 2670 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1:- TRUE COPY OF THE JUDGMENT DTD 20/12/2012 OF THE MUNSIFF COURT, PONNANI IN OS 233/2008.
- P2:- TRUE COPY OF THE COMMON ORDER DTD 3RD DAY OF SEPTEMBER 2014 IN 1 A 1037/2014 AND IA 1038/2014 IN AS 13/2013 OF THE SUB COURT, TIRUR.
- P3:- TRUE COPY OF THE JUDGMENT DTD 22/6/2015 IN OPC 2100/2015 .
- P4:- TRUE COPY OF IA 1919/2015 DTD 19/10/2015 IN AS 13/2013 FILED BEFORE THE SUB COURT, TIRUR.
- P5:- TRUE COPY OF IA 1920/2015 DTD 19/10/2015 IN AS 13/2013 FILED BEFORE THE SUB COURT, TIRUR.
- P6:- TRUE COPY OF IA 1918/2015 DTD 19/10/2015 IN AS 13/2013 FILED BEFORE THE SUB COURT, TIRUR.
- P7:- TRUE COPY OF THE WRITTEN STATEMENT FILED IN AS 13/2013 BEFORE THE SUB COURT, TIRUR.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

O.P.(C)No.2670 of 2015

Dated this the 23rd day of November, 2015

J U D G M E N T

OS.233 of 2008 on the file of Munsiff, Ponnani was filed by the respondents. It appears that the suit was in respect of a Trust. The suit was decreed. The decree was challenged in AS.13 of 2013 of Sub Court, Tirur. Pending the appeal the defendant died. The petitioner filed an application to implead himself as one of the parties to the appeal. He also filed an application to amend the cause title. He claims to be the chairman of the Trust to whom the properties involved in the suit belong. The complaint is that the learned Sub Judge posted the appeal for hearing without disposing of his applications.

2. Heard.

3. I am satisfied that the request to direct the learned Sub Judge to dispose of Exts.P4 to P6 applications before the appeal itself is heard is reasonable.

In the result this OP is allowed. The appellate court is directed to dispose of Exts.P4 to P6 before the appeal is heard.

**K. ABRAHAM MATHEW
JUDGE**