

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

OP(C).No. 2813 of 2015 (O)

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IN AS 104/2015 of DISTRICT COURT, ALAPPUZHA

PETITIONER(S) :

SATHYASEELAN,  
S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE, PARAVOOR,  
PUNNAPRA P.O., ALAPPUZHA.

BY ADVS.SRI.S.SANAL KUMAR  
SRI.M.T.SURESHKUMAR  
SMT.T.J.SEEMA  
SMT.BHAVANA VELAYUDHAN  
SMT.SMITHA PHILIPOSE

RESPONDENT(S) :

1. KAMALASANAN,  
AGED 59 YEARS, S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE,  
TAHALVADY, AVALOOKUNNU P.O.,  
ALAPPUZHA - 688 006.
2. S.K.SIVADAS,  
AGED 59 YEARS, S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE,  
THATHAMPALLY P.O., ALAPPUZHA - 688 013.
3. LALITHAMMA,  
AGED 52 YEARS, S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE,  
PARAVOOR, PUNNAPRA P.O., ALAPPUZHA - 688 004.
4. JAGADAMMA,  
AGED 55 YEARS, S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE,  
PARAVOOR PUNNAPRA P.O., ALAPPUZHA - 688 004.
5. MURALEEDHARAN,  
AGED 55 YEARS, S/O.LATE JANAKI,  
SARPPAKANDATHIL HOUSE,  
THATHAMPALLY P.O., ALAPPUZHA - 688 013.

6. CHANDRAMATHY,  
AGED 71 YEARS, W/O.LATE THANKAPPAN, NEDIYAMPOLA HOUSE,  
GURUPURAM P.O. ALAPPUZHA 688 006.
7. SINDU,  
AGED 40 YEARS, W/O.LATE THANKAPPAN, NEDIYAMPOLA HOUSE,  
GURUPURAM P.O., ALAPPUZHA 688 006.
8. MANJU,  
AGED 33 YEARS, W/O.LATE THANKAPPAN, KANNANPALLY HOUSE,  
CHARAMPARAMBU, ALAPPUZHA - 688 003.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 26-11-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1. TRUE COPY OF THE PRELIMINARY DECREE IN O.S.NO.496/2008 DATED 11.2.2011 OF THE SUB JUDGE, ALAPPUZHA.
- EXT.P2. TRUE COPY OF THE FINAL DECREE IN I.A.NO.764/2011 IN O.S.NO.496/2008 DATED 31.10.2013 OF THE SUB JUDGE, ALAPPUZHA.
- EXT.P3. TRUE COPY OF THE JUDGMENT IN O.P.(C) NO.2068/2015 OF THIS HON'BLE COURT DATED 21.08.2015.
- EXT.P4. TRUE COPY OF THE A.S.NO.104/2015 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, ALAPPUZHA DATED 16.11.2015.
- EXT.P5. TRUE COPY OF THE I.A.NO.1591/2015 IN A.S.NO.104/2015 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, ALAPPUZHA DATED 16.11.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

**K. ABRAHAM MATHEW, J.**

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**O.P.(C)No. 2813 of 2015**  
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**Dated this the 26<sup>th</sup> day of November, 2015**

**J U D G M E N T**

Petitioner was the defendant in OS.496 of 2008 on the file of Sub Judge, Alappuzha. The suit was for partition. Final decree was passed. In EP 68 of 2014 delivery of the property allotted to the respondents has been ordered to be effected. Meanwhile, the petitioner filed AS.104 of 2015 before the District Court, Alappuzha with a petition to condone the delay of 746 days in filing the appeal. In OP 2068 of 2015 filed by the petitioner, this court granted him time till 21.11.2015 to vacate the property. Now the petitioner's prayer is to extend the time.

2. Heard.

3. I am not satisfied that this is a fit case to grant extension of time to the petitioner to surrender possession of the property. The prayer will be rejected. .

In the result this OP is dismissed. The appellate court is directed to dispose of the application filed by the petitioner within two months from the date of receipt or

production of a copy of this judgment provided all the respondents have entered appearance.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

//True Copy//

PA to Judge