

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

OP(C).No. 2889 of 2015 (O)

PETITIONERS:

1. K.B.SAJEEVAN, AGED 52 YEARS, S/O.BABU,
KARUVELIPARAMBIL HOUSE, SRM ROAD,
PACHALAM P.O., KOCHI - 682 012.
2. K.B.BALACHANDRAN, AGED 62 YEARS, S/O.BABU,
RESIDING AT FLAT NO.607, SAHARA APARTMENT,
MALKANI ESTATE, DATTAMANDIR ROAD,
MALAD EAST, MUMBAI-97, REPRESENTED BY THE
1ST PETITIONER BROTHER AND POWER OF ATTORNEY HOLDER.

BY ADVS.SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SRI.M.RAJESH KUMAR
SRI.K.R.RAMESH
SMT.B.SABITHA (DESOM)
SMT.K.JYOTHY

RESPONDENTS:

1. MEENA M RAO ALIAS VASANTHA,
W/O.MANICHANDRA RAO, D/O.BABU,
AGED 64 YEARS, KARUVELIPARAMBIL HOUSE,
SRM ROAD, KOCHI - 682 012, NOW RESIDING AT
C-408, HUM-SUB APARTMENT, PLOT NO.14,
SECTOR 4, DWARAKA, NEW DELHI PIN-110 075
REPRESENTED BY BROTHER AND POWER OF
ATTORNEY HOLDER K.B.RAJIV, S/O.BABU,
AGED 54 YEARS, RESIDING AT DOOR NO.5/897,
"KRISHNA KRIPA", KALAMASSERY P.O., PIN-683 104.
2. K.B.INDIRA @ MEERA, AGED 64 YEARS,
W/O.GAJANANAN, D/O.BABU, RESIDING AT 10/566,
GAJHA NIVAWS, UDHARAPARAMBIL, FORT KOCHI - 682001.
3. K.B.RAJEEV, AGED 54 YEARS, S/O.BABU,
RESIDING AT 5/897, "KRISHNA KRIPA",
KALAMASSERY P.O., ERNAKULAM PIN-683 104.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-11-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : THE TRUE COPY OF THE PLAINT IN OS NO.523/2010.
- EXHIBIT P2 : THE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER.
- EXHIBIT P3 : THE TRUE COPY OF THE PRELIMINARY JUDGMENT.
- EXHIBIT P4 : THE TRUE COPY OF THE PRELIMINARY DECREE
- EXHIBIT P5 : THE TRUE COPY OF FINAL DECREE APPLICATION.
- EXHIBIT P6 : THE TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER.
- EXHIBIT P7 : THE COPY OF THE REPORT OF THE COMMISSIONER.
- EXHIBIT P7(a) : THE SKETCH PREPARED BY THE COMMISSIONER.
- EXHIBIT P8 : THE TRUE COPY OF THE FINAL JUDGMENT DT 26-11-2013.
- EXHIBIT P8(a) : THE TRUE COPY OF THE FINAL DECREE DT 26-11-13.
- EXHIBIT P9 : THE TRUE COPY OF THE EP NO.255/2014.
- EXHIBITS P9(a) &(b) THE COPY OF THE OBJECTIONS FILED BY THE PETITIONER.
- EXHIBIT P10 : THE COPY OF THE REVIEW PETITION FILED BY THE PETITIONER.
- EXHIBIT P10(a): THE COPY OF THE OBJECTIONS FILED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

ncd

K. ABRAHAM MATHEW, J.

O.P.(C)No.2889 of 2015

Dated this the 27th day of November, 2015

J U D G M E N T

Petitioners are the defendants 1 and 2 in 523 of 2010 of 2nd Additional Sub Court, Ernakulam in which a final decree for partition has been passed. Application for delivery of the property is pending. The prayer is to stay the delivery of the property.

2. Heard.

3. The petitioners have already filed an appeal. It appears that there is some delay in filing it. But that is no reason to entertain this petition under Article 227 of the Constitution.

In the result this OP is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge