

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

OP(C).No. 3028 of 2015 (O)

O.S.NO.403/2014 OF THE MUNSIF'S COURT, CHANGANCHERRY

PETITIONER(S)/PLAINTIFF :

**M/S. MEDITRINA HOSPITALS PVT.LTD.,
10/1118, 'SAMBHAVI' ASRAMOM, KOLLAM,
REPRESENTED BY ITS MANAGING DIRECTOR.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S) :

- 1. M/S. ST.THOMAS HOSPITAL,
CHETHIPUZHA, CHANGANACHERRY,
REPRESENTED BY ITS DIRECTOR- 686 101.**
- 2. FR.JOSEPH THOOMPUNKAL,
DIRECTOR, M/S.ST.THOMAS HOSPITAL, CHETHIPUZHA,
CHANGANACHERRY- 686 101.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 10-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 3028 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE AGREEMENT BETWEEN THE PETITIONER
AND RESPONDENTS DATED 01.01.2011.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K.ABRAHAM MATHEW J.

O.P.(C)No.3028 of 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner was the plaintiff in O.S.No.403 of 2014 of Munsiff Court, Changanacherry. The suit was for a perpetual injunction prohibiting the respondent/defendant from forcible possession of the plaint schedule property. In the written statement the respondent raised a counter claim for a mandatory injunction directing the petitioner to vacate the building. After the trial the learned Munsiff has dismissed the suit and decreed the counter claim. The first prayer in this Original Petition is to direct the learned Munsiff to issue a carbon copy of the judgment. The second prayer is to stay the operation of the judgment and the third prayer is to direct the respondents to maintain status quo and to restore all the facilities withdrawn by them pursuant to the judgment.

2. Heard the learned counsel for the petitioner.

3. The first prayer is a reasonable one. If the petitioner has already filed an application for a carbon copy of the judgment, it shall be issued to it in accordance with law. The other reliefs are not pressed, it is submitted.

In the result, this Original Petition is allowed with a direction to the learned Munsiff to issue a carbon copy of the judgment, if an application has already been filed, in accordance with law.

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/

P.S.to Judge

H/o.