

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

OP(C).No. 3109 of 2015 (O)

**CMA 48/2015 OF ADDITIONAL DISTRICT COURT - VII,
ERNAKULAM, DATED 06-11-2015**

PETITIONER(S)/APPELLANT/RESPONDENT:-:

**NEESHA GEORGE, AGED 46 YEARS,
D/O.LEELAMMA GEORGE AND GEORGE PHILIP,
RESIDING AT FLAT NO.4F, KATTICARAN TOWERS,
KACHERIPPADY, ERNAKULAM - 682 018.**

BY ADV. SRI.SANTHAN V.NAIR

RESPONDENT(S)/RESPONDENTS/PLAINTIFFS:-:

- 1. LEELAMMA GEORGE, AGED 77 YEARS,
W/O.GEORGE PHILIP, THAZHAKKATTU VILLA, PATHADIPPALAM,
EDAPPALLY P.O., COCHIN - 682 024.**
- 2. GEORGE PHILIP, AGED 87 YEARS,
S/O.T.M.PHILIP, THAZHAKKATTU VILLA, PATHADIPPALLAM,
EDAPPALLY P.O., COCHIN - 682 024.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 18-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

OP(C).No. 3109 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE ORDER OF TEMPORARY INJUNCTION DATED 13.07.2015 IN IA NO.2987/2015 IN OS NO.451/2015 OF THE 2ND ADDITIONAL MUNSIFF'S COURT, ERNAKULAM.**
- EXT.P2. TRUE COPY OF THE ORDER DATED 06.11.2015 IN CMA NO.48/2015 OF THE 7TH ADDITIONAL DISTRICT AND SESSIONS COURT, ERNAKULAM.**
- EXT.P3. TRUE COPY OF THE PLAINT IN OS NO.451/2015 PENDING BEFORE THE 2ND ADDL. MUNSIFF COURT, ERNAKULAM.**
- EXT.P4. TRUE COPY OF IA NO.2987/2015 IN OS NO.451/2015 FILED BEFORE THE 2ND ADDL. MUNSIFF'S COURT, ERNAKULAM.**
- EXT.P5. TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO EXT.P4 IA.**
- EXT.P6. TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER ALONG WITH THE DOCUMENTS IN OS NO.451/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

O.P.(C)No. 3109 of 2015

Dated this the 18th day of December, 2015

J U D G M E N T

Petitioner is the defendant in OS.451 of 2015 filed by her parents in respect of the plaint schedule property belonging to them. They filed an application for a temporary injunction restraining the petitioner from trespassing into the property. That application was allowed by the trial court and it has been confirmed by the appellate court in CMA.48 of 2015. This is challenged.

2. Heard.

3. The petitioner does not claim any right in the property. Merely because she is the daughter of respondents, she cannot claim any right of residence in their property. I do not find any illegality or irregularity in the order passed by the courts below.

In the result, this OP is dismissed. The trial court shall make an attempt to settle the dispute between the parties by referring the matter for mediation by the District Mediation Center.

sd/-

**K. ABRAHAM MATHEW
JUDGE**