

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

OP(C).No. 3134 of 2015 (O)

OS. NO.1381/2015 OF MUNSIFF COURT, NEYYATTINKARA.

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PETITIONER(S):

- 1. RAJENDRAN, S/O. KRISHNAN NADAR,
AGED 56 YEARS, RESIDING AT DWARAKA,
NEAR GOVT. K.N.M. COLLEGE,
KANJIRAMKULAM VILLAGE, KANJIRAMKULAM P.O.,
NEYYATTINKARA TALUK, FROM G.R. BHAVAN,
NJARAVILA, VENGANOOR DESOM,
VIZHINJAM VILLAGE.**
- 2. GEETHA, W/O. RAJENDRAN,
AGED 51 YEARS, RESIDING AT DWARAKA,
NEAR GOVT. K.N.M. COLLEGE,
KANJIRAMKULAM VILLAGE, KANJIRAMKULAM P.O.,
NEYYATTINKARA TALUK, FROM G.R. BHAVAN,
NJARAVILA, VENGANOOR DESOM,
VIZHINJAM VILLAGE.**

**BY ADVS.SRI.N.R.SURESH KUMAR,
SRI.B.CHANDRASEKHARAN NAIR.**

RESPONDENT(S):

- 1. BINU, S/O. BABU, AGED 33 YEARS,
RESIDING AT AMBRANCHIVILA VEEDU,
THENNOORKONAM, VENGANOR DESOM,
VIZHINJAM VILLAGE, PIN-695 523.**
- 2. MAHENDRAN, S/O. BHASKARAN NADAR,
AGED 58 YEARS, RESIDING AT MEHENDRA BHAVAN,
NJARAVILA, VENGANOOR DESOM,
VIZHINJAM VILLAGE, PIN-695 523.**
- 3. VIJAYAN, S/O. CHELLAPPAN NADAR,
AGED 47 YEARS, RESIDING AT AMBRANCHIVILA VEEDU,
THENNOORKONAM, VENGANOOR DESOM,
VIZHINJAM VILLAGE, PIN-695 523.**

OP(C).No. 3134 of 2015 (O)

**4. RETNAKARAN, S/O. BHARGAVAN,
AGED 61 YEARS, RESIDING AT RETNALAYAM,
NJARAVILA, VENGANOOR DESOM,
VIZHINJAM VILLAGE, PIN-695 523.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP(C).No. 3134 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT IN I.S. NO.1381/2015.
- EXT.P2 COPY OF THE I.A. NO.6555/2015 (INJUNCTION PETITION).
- EXT.P3 COPY OF THE I.A. NO.6556/2015 (COMMISSION APPLICATION).
- EXT.P4 COPY OF THE COMMISSIONER'S REPORT DATED 16/12/2015.
- EXT.P5 COPY OF THE PETITION DATED 08/12/2015 ADDRESSED TO
S.I. OF POLICE, VIZHINJAM.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.ABRAHAM MATHEW J.

O.P.(C)No.3134 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

Petitioners are the plaintiffs in O.S.No.1381 of 2015 of Munsiff Court, Neyyattinkara. The suit is for a perpetual injunction. Along with the suit they filed an application for a temporary injunction. The learned Munsiff did not pass any order, but ordered issuance of notice to the respondents/defendants. The case is now posted to 23.12.2015, on which date the court will be closed for Christmas holidays. The prayer in this Original Petition is to direct the Munsiff to dispose of the temporary injunction application on that day itself.

2. Heard.

3. The suit was filed on 7.12.2015. Considering the nature of the allegations the learned Munsiff should not have posted the application to a distant date. It is sufficient to direct him to try to pass an order on 23.12.2015 itself. If that is not possible, he shall consider whether the parties shall be directed to maintain status quo as the commissioner who conducted the local inspection already has filed his report.

In the result, this Original Petition is disposed of with a direction to the learned Munsiff to try to pass an order on Ext P2 injunction application on 23.12.2015 itself. If that is not possible, he shall consider whether order of status quo may be passed taking into account the report of the commissioner.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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H/o.

/True copy/

P.S.to Judge