

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

OP(C).No. 2369 of 2014 (O)

**CMA 27/2014 OF 1ST ADDITIONAL DISTRICT COURT, THIRUVANANTHAPURAM,
DATED 31-07-2014**

PETITIONER(S)/APPELLANTS:

1. RENJITH, AGED 38 YEARS,
S/O. APPU, THIRUVONAM, KOLLUKARA,
PUTHUVEDU, MELE PERUKAVU, THIRUVANANTHAPURAM.
2. JYOTHI,
D/O.APPU, THIRUVONAM, KOLLUKARA,
PUTHUVEDU, MELE PERUKAVU, THIRUVANANTHAPURAM.
3. SREEKANTAN,
S/O. KUTTAN, SARANYA BHAVAN, T.C. 6/1923/3,
ELIPPOODU, VATTIYOORKAVU, THIRUVANANTHAPURAM.

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV**

RESPONDENT(S)/RESPONDENTS:

**RAJAN, S/O.CHELLAPPAN ASARI,
RAKHI BHAVAN, POOJAPURA, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM-695012.**

**BY ADVS. SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 10-08-2015, ALONG
WITH OPC. 2371/2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF THE PLAINT IN O.S. 1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P2. TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE APPLICATION FOR TEMPORARY INJUNCTION IN I.A. 5663/2013 IN O.S. 1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P3. TRUE COPY OF THE ADVOCATE COMMISSIONERS REPORT DTD. 29-8-2013 IN O.S. 1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P4. TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE RESPONDENTS IN I.A. 5663/2013 IN O.S. 1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P5. TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE APPLICATION IN I.A. 6596/2013 IN O.S.1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P6. TRUE COPY OF THE REPORT DTD 17-12-13 OF THE ADVOCATE COMMISSIONER.
- P7. TRUE COPY OF THE COMMON ORDER DATED 5-3-2014 IN I.A. 5663/2013 AND I.A. 6596/2013 IN O.S. 1159/2013 ON THE FILES OF THE PRINCIPAL MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P8. TRUE COPY OF THE ORDER DTD. 31-7-2014 IN C.M.A. 27/2014 ON THE FILES OF THE 1ST ADDITIONAL DISTRICT COURT, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
O.P.(C) No. 2369 & 2371 of 2014
.....

Dated this the 10th day of August, 2015

J U D G M E N T

An application for temporary injunction, as well as an application for temporary mandatory injunction, were filed. The same were dismissed by the trial court through Ext.P7 order. The same was challenged through two CMAs as CMA No.26 of 2014 and CMA No.27 of 2014. The appellate court also dismissed both the CMAs.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. On hearing either side, and on a perusal of the records, this Court is of the view that the court below can be directed to dispose of the suit expeditiously, quite untrammelled by any of the observations made by the trial

court in Ext.P7 order, as well as the appellate court in the impugned judgment.

In the result, this Original Petition is disposed of by directing the court below to dispose of the suit expeditiously, quite untrammelled by any of the observations made by the trial court in Ext.P7 order as well as the appellate court in the impugned judgment.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge