

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

OP(C).No. 2957 of 2014 (O)

(O.S.NO.109/2011, 105/2011 AND 106/2011 OF MUNSIFF MAGISTRATE COURT,
PONNANI)

(I.A.NO.1768/2014 IN 1107/2014 OF A.S.NO.58/2014 OF SUB COURT, TIRUR)

PETITIONER :

VIJAYAN, AGED 51 YEARS,
S/O.KUNJUKUTTAN, VALIYAVEETIL HOUSE,
KANJIRAMUKKU AMSOM DESAM, P.O KANJIRAMUKKU,
MALAPPURAM DISTRICT

BY ADVS.SRI.P.G.SURESH
SRI.RAJAN VISHNURAJ
SRI.G.SUDHEER (THURAVOOR)
SRI.V.HARISH

RESPONDENT(S):

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1. PREMAN, AGED 43 YEARS,
S/O.MADHAVAN, THAILAVALAPPIL HOUSE,
KANJIRAMUKKU AMSOM DESAM, P.O KANJIRAMUKKU,
MALAPPURAM DISTRICT -673 501.
 2. PRADEEP, AGED 45 YEARS,
S/O.PADMANABHAN, THAILAVALAPPIL HOUSE,
KANJIRAMUKKU AMSOM DESAM,P.O. KANJIRAMUKKU,
MALAPPURAM DISTRICT -673 501
 3. APPU, AGED 63 YEARS,
S/O.KUNHIMAN, VALIYAVEETIL HOUSE,
KANJIRAMUKKU AMSOM DESAM, P.O KANJIRAMUKKU.
MALAPPURAM DISTRICT - 501

R1 TO R3 BY ADV. SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-06-2015, ALONG WITH CRP.NO.709 OF 2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

OP(C).No. 2957 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1** COPY OF THE COMMON JUDGMENT IN OS NO.105/2011,O.S NO.106/2011 AND OS NO.109/2011 DATED 29/3/2014 BY THE HONOURABLE MUNSIFF-MAGISTRATE COURT, PONNANI
- EXHIBIT P2** COPY OF THE COMMON ORDER DATED 5/9/2014 PASSED IN IA NO. 1107/2014 IN AS NO. 58/2014 BY THE HONOURBLE SUB COURT, TIRUR
- EXHIBIT P3** COPY OF THE ORDER DATED 5/11/2014 PASSED IN IA 1768/2014 BY THE HONOURABLE SUB COURT, TIRUR
- EXHIBIT P4** COPY OF THE ORDER DATED 5/11/2014 PASSED IN IA NO. 1948/2014 BY THE HONOURABLE SUB COURT, TIRUR

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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O.P.(C).No.2957 of 2014, C.R.P.Nos.709, 710 & 711 of 2014

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Dated this the 25th day of June, 2015

J U D G M E N T

The C.R.Ps are filed on the orders passed by the court below, thereby condoning the delay in filing A.S.No.58 of 2014, A.S.No.59 of 2014 and A.S.No.60 of 2014. In A.S.No.58 of 2014 there was a delay of 35 days and in the other appeals, there were delay of 88 days each.

2. The O.P.(C) No.2957 of 2014 is filed by challenging Exhibits P3 and P4 orders. Exhibit P3 order is in respect of I.A.No.1768 of 2014 in I.A.No.1107 of 2014 in A.S.No.58 of 2014. The said I.A. was one seeking to call for the A diary maintained by the Munsiff Magistrate's Court, Ponnani in the suit. Exhibit P4 is in respect of I.A.No.1948 of 2014 in A.S.No.58 of 2014. The said I.A. was filed seeking to

summon the Lawyer practising before the Munsiff Magistrate's Court, Ponnani for examining him as a witness in I.A.No.1107 of 2014. It seems that the court below has rightly dismissed I.A.No.1948 of 2014 through Exhibit P4 order and the said order does not call for any interference at all.

3. As far as Exhibit P3 is concerned, it seems that the court below has rightly denied the request of calling for the A diary from the court below. If at all the petitioner wanted to produce the copy of the A diary, the petitioner could have done it. At this fag end of the matter, Exhibit P3 also does not require any re-consideration at all.

4. With regard to the delay condoned by the court below in the other two appeals, it has come out that the delay has been properly explained and therefore, the impugned orders in C.R.Ps do not require any re-consideration.

5. The parties have been fighting tooth and nail in the appeals. Parties have entered appearance also. In such

case, the court below can dispose of the three appeals as expeditiously as possible, at any rate, within a period of one year from the date of receipt of a copy of this common judgment.

In the result, with a direction to the court below to dispose of these appeals as expeditiously as possible, at any rate, within a period of one year from the date of receipt of a copy of this common judgment, these Original Petition (Civil) and the C.R.Ps stand dismissed.

Sd/-

B.KEMAL PASHA
JUDGE