

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP(C).No.3080 of 2014 (O)

OS NO.692/1996 OF THE ADDITIONAL SUB COURT,PALAKKAD.

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PETITIONER/4TH DEFENDANT:

**LALITHA,D/O.RUGMINI AMMA,AGED 64 YEARS,
SUSHMA NIVAS,ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD,AMSOM AND DESOM,PALAKKAD.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENTS/PLAINTIFFS/DEFENDANTS 1 TO 3, 5 & 6:

- 1. GANGADHARAN,S/O.RUGMINI AMMA,SUSHMA NIVAS,
ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD AMSOM AND DESOM,
PALAKKAD-678545.**
- 2. MOHANAN,S/O.RUGMINI AMMA,SUSHMA NIVAS,
ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD AMSOM AND DESOM,
PALAKKAD-678545.**
- 3. BALACHANDRAN,S/O.RUGMINI AMMA,SUSHMA NIVAS,
ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD AMSOM AND DESOM,
PALAKKAD-678545.**
- 4. LEELAVATHI,W/O.M.J.VISHWANATHAN,LEELA SADAN,
THOTTAKKATTUTHARA,KODUVAYUR TOWN,
PALAKKAD DISTRICT-678 545.**
- 5. SARASWATHI,D/O.RUGMINI AMMA,SUSHMA NIVAS,
ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD AMSOM AND DESOM,
PALAKKAD-678545.**
- 6. INDIRA,D/O.RUGMINI AMMA,SUSHMA NIVAS,
ATHARAKKOTTU,THEKKETHARA,
MARUTHA ROAD AMSOM AND DESOM,
PALAKKAD-678545.**

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7. **SUSHMA,D/O.RUGMINI AMMA,ROOM NO.13,
OPP. DONBOSCO SCHOOL,PARVATHY NIVAS,
DOMBIVILLY,THANE DISTRICT,MUMBAI-421201.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 07-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(C).No.3080 of 2014 (O)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1:TRUE COPY OF THE JUDGMENT IN OS NO.692/1996.

EXHIBIT P2:TRUE COPY OF DECREE IN OS NO.692/96.

EXHIBIT P3:TRUE COPY OF I.A.NO.2812/2012 IN OS NO.692/96.

**EXHIBIT P4:TRUE COPY OF THE REPORT AND SKETCH PREPARED BY THE
ADVOCATE COMMISSIONER.**

EXHIBIT P5:TRUE COPY OF I.A.NO.1323/2004.

EXHIBIT P6:TRUE COPY OF THE ORDER DATED 19.10.2007 IN IA NO.1323/2004.

EXHIBIT P7:TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONER.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

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P.BHAVADASAN, J.

Original Petition (Civil) No.3080 OF 2014

Dated this the 7th day of January, 2015.

J U D G M E N T

This is a petition filed under Article 227 of the Constitution of India seeking a direction to the Subordinate Court, Palakkad to dispose of final decree proceedings in O.S.No.692/1996 which has been pending from 2002 onwards.

2. Learned counsel appearing for the petitioner points out that initially a commission report was filed in the final decree proceedings and that was remitted to the Commissioner as could be seen from Ext.P6 order. That order is dated 19.10.2007. Since then nothing has been done in the matter and the case is being simply adjourned from time to time. This, according to the petitioner, causes irreparable loss and injury to her.

3. One fails to understand as to what kept the court below from proceeding with the matter in accordance with law. After having remitted the Commissioner's report on 19.10.2007, the court below should have insisted the Commissioner to file his

report and plan as directed by the court below within a reasonable period.

Whatever that be, this original petition is disposed of directing the Additional Sub Court, Palakkad to take up final decree proceedings in O.S.No.692/1996 and dispose of it as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this judgment.

Sd/-

**P.BHAVADASAN
JUDGE**

smp