

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

RP.No. 848 of 2015 () IN FAO 120/2015

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AGAINST THE JUDGMENT IN FAO 120/2015 DATED 11-06-2015
IA.NO. 347/15 IN AS 23/15 OF SUB COURT, TIRUR
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REVIEW PETITIONER/PETITIONER :

**MALIYEKKAL JAMEELA, AGED 54 YRS.,
W/O. ABDUL RASHEED, VELIYAMCODE AMSOM
GRAMAM DESOM, P.O. GRAMAM, PONNANI TALUK.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS/RESPONDENTS :

- 1. ABDUL NAZAR,
SUMAR, AGED 50 YRS.,
S/O.MOHAMMEDKUTTY, THIRUTHIYIL HOUSE
OMACHAPUZHA P.O., THEYYALA, TIRUR TALUK
MALAPPURAM DISTRICT, PIN - 676 320.**
- 2. K.M. ABDUL VAHID,
CONSULTING ENGINEER, BABU ASSOCIATES
ENGINEERS & ARCHITECTS, APM COMPLEX, NEAR OVER BRIDGE
TIRUR TALUK, MALAPPURAM DISTRICT, PIN - 676 101.**
- 3. BAVA @ KUTTU,
S/O.MALIEKKAL KUNJUMON,
AGED 61 YRS, CHERACHAM VEETIL
MOULANA HOUSE, THRIPRANGODE AMSOM DESOM
P.O TRIPRANGODE, ALUNGAL, TIRUR TALUK
MALAPPURAM DISTRICT, PIN - 676 108.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 06-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.B.SURESH KUMAR, J.

R.P. 848 of 2015 in F.A.O.No.120 of 2015

Dated 6th October, 2015

O R D E R

The appellant seeks review of the judgment.

2. The appeal was preferred challenging the dismissal of an interlocutory application filed by the appellant in a pending appeal. The appellant was the plaintiff in the suit, the decision of which was challenged in the appeal. In the appeal, she preferred an interlocutory application seeking an order directing the defendants to maintain status quo in relation to the plaint schedule properties. Since the suit was dismissed, the appellate court took the view that the appellant has not made out a prima facie case for the order of status quo sought and it is on that basis, the application was dismissed. Since the view taken by the appellate court cannot be held to be illegal, the order was confirmed as per the judgment sought to be reviewed. However, since the appellant was not granted the interim order sought by her as per the judgment sought to be reviewed, the appellate court was directed to dispose of the appeal within a time limit. The appellant now seeks review of

the judgment on the ground that since the suit was dismissed on account of her inability to identify the plaint schedule properties, she was advised to take out a commission to identify the plaint schedule properties in appeal. According to the appellant, in view of the direction issued by this Court to dispose of the appeal within a time limit, the appellate court may not permit her to take out a commission to identify the plaint schedule properties.

The ground raised by the appellant as aforesaid to review the judgment is not a ground on which the judgment can be reviewed. The review petition, in the circumstances, is devoid of merits and the same is accordingly dismissed.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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(true copy)