

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

RP.No. 1044 of 2015 (O)

AGAINST THE JUDGMENT IN OP(C).NO.2342/2015, DATED 04-11-2015

REVIEW PETITIONER(S) :

**FR.JOLLY JOSEPH, AGED 48 YEARS,
S/O.JOSEPH, ROSE DALE, KANJIRACODE,
MULAVANA VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT- 691 501.**

BY FR. JOLLY JOSEPH (PARTY-IN-PERSON)

RESPONDENT(S) :

- 1. FR.JAMES PUTHENPURA, AGED 72 YEARS,
S/O.MATHAI, FORMERLY VICAR, ST.ANTONY'S CHURCH,
KANJIRACODE, MULAVANA VILLAGE, KOLLAM TALUK-691 501.**
- 2. K.C.JOSE, AGED ABOUT 61 YEARS,
S/O.KOCHUKURISU, FORMERLY TRUSTEE, ST.ANTONY'S CHURCH,
RESIDING AT KUNNUVILA, KANJIRACODE, MULAVANA VILLAGE,
KOLLAM TALUK-691 501.**
- 3. FULGIN, AGED 60 YEARS,
S/O.MARIAN, FORMERLY EXECUTIVE COMMITTEE MEMBER,
ST.ANTONY'S CHURCH, RESIDING AT VIRGIN DALE,
PANAYAMCODE, KANJIRACODE, MULAVANA VILLAGE,
KOLLAM TALUK-691 501.**
- 4. PIOUS, AGED 70 YEARS,
S/O.ANTONY, EXECUTIVE MEMBER, ST.ANTONY'S CHURCH,
RESIDING AT CHARUVILA VEEDU, KANJIRACODE,
MULAVANA VILLAGE, KOLLAM TALUK-691 501.**
- 5. J.JOHNSON, AGED 55 YEARS,
S/O.JOSEPH CHAZHIKADAN, CONTRACTOR, ST.ANTONY'S CHURCH,
RESIDING AT POOKOLY, KOTTAKKAKAM, KANJIRACODE,
MULAVANA VILLAGE, KOLLAM TALUK-691 501.**

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**6. J.JAYAN, AGED 37 YEARS,
S/O.JOSEPH, ROSE, DALE, KANJIRACODE,
MULAVANA VILLAGE, KOLLAM TALUK- 691 501.**

BY ADV. SRI.JOHN JOSEPH VETTIKAD

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: TRUE COPY OF ADVANCE PETITION I.A.NO.872/2015 DATED 13.02.2015 FOR ADVANCING THE CASE FOR SENDING THE COMMISSIONER AND FOR THE IMPLEMENTATION OF LONG PENDING INJUNCTION ORDER.
- ANNEXURE A2: TRUE COPY OF ADVANCE PETITION I.A.NO.1011/2015 DATED 18.02.2015 FOR IMPLEMENTING INJUNCTION ORDER.
- ANNEXURE A3: TRUE COPY OF OBJECTION OF THE RESPONDENTS DATED 19.12.2014, BUT FILED ON 20.12.2013 TO THE COMMISSION APPLICATION I.A.NO.2387/2013 FILED ON 27.07.2013.
- ANNEXURE A4: TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE PETITION DATED 31.10.2015 BEFORE THE DISTRICT COURT OF KOLLAM SHOWING THE RESPONDENTS FILING OBJECTIONS TO NOT IN TIME.
- ANNEXURE A5: TRUE COPY OF RECENT ADVANCE PETITION DATED 06.11.2015 SHOWING OBJECTION MARKED ON THE SAID PETITION BY THE LEARNED COUNSEL OF THE RESPONDENTS/DEFENDANTS.
- ANNEXURE A6: TRUE COPY OF PETITION I.A.NO.1613/2013 DATED 23.12.2013 FILED BEFORE EVEN DISTRICT AND VACATION COURT BY THE PETITION FOR DISPOSING THE COMMISSION APPLICATION I.A.NO.2387/2013.
- ANNEXURE A7: TRUE COPY OF COMPLAINT OF PETITION DATED 30.12.2013 TO VACATION COURT.
- ANNEXURE A8: TRUE COPY OF YET ANOTHER COMPLAINT DATED 31.12.2013 TO VACATION COURT.
- ANNEXURE A9: TRUE COPY OF DOCUMENT DATED 16.04.2014 SHOWING ILLEGAL CONSTRUCTIONS.
- ANNEXURE A10: TRUE COPY OF EXPARTE ORDER DATED 11.12.2014 IN O.P.(C)NO.2966/2014 USED BY THE RESPONDENTS TO CONTINUE ILLEGAL CONSTRUCTIONS IN VIOLATION OF INJUNCTION ORDER.
- ANNEXURE A11: 7 COLOUR PRINTS ON A SHEET OF PAPER TAKEN ON 17.12.2014 SHOWING ILLEGAL WORKS.

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ANNEXURE A12: TRUE COPY OF ORDER DATED 09.10.2015 IN DISPOSED O.P.(C)NO.1759 REVEALING IN NON-COMPLIANCE OF HIGH COURT DIRECTIONS IN O.P.(C)NO.2313/2013 AND 1759/2014 BY MUNSIFF OF ADOOR.

ANNEXURE A13: ORDER IN MJC 264/2015 IN Z COC 302/2015 DIRECTING TO DISPOSE THE O.S.NO.45/2012 AT THE EARLIEST WITHOUT ANY ROOM FOR COMPLAINT.

ANNEXURE A14: TRUE COPY OF CHURCH MINUTE DATED 21.05.2008 ALLOWING THE INGRESS AND EGRESS.

ANNEXURE A15: CERTIFIED COPY OF JUDGMENT DATED 04.11.2015 IN O.P.(C)NO.2342/2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.ABRAHAM MATHEW J.

R.P.No.1044 of 2015

Dated this the 13th day of November, 2015

ORDER

This review petition has been filed by the petitioner in O.P.No.2342 of 2015. In the judgment dated 4.11.2015 this court directed the learned Munsiff to dispose of the suit before the court closes for Christmas holidays this year. Though the petitioner has made wild allegations in the review petition I ignore them because he deserves sympathy. His main complaint is that the trial court may not be able to dispose of the suit within the time mentioned in the judgment. Though it is for the Munsiff to address this court on the point, I am inclined to grant his prayer to extend the time for disposal of the suit.

In the result, this review petition is allowed in part. The direction in the judgment is modified to the extent that the trial court shall dispose of the suit before 31.1.2016.

**K.ABRAHAM MATHEW
JUDGE**

pm