

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

RP.No. 1119 of 2015

AGAINST THE ORDER IN CRP.NO.347/2014, DATED 28-05-2015

REVIEW PETITIONER(S)/RESPONDENTS :

1. MUSTAFA, S/O. VALANGATTIL KADER HAJI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM,
THRISSUR TALUK, DISTRICT, PIN- 679 563.
2. THONIYARAYIL ABDUL KALAM,
S/O.VALANGATTIL KADER HAJI, VAILATHUR AMSOM,
NHAMANANGHAT DESOM, THRISSUR TALUK, DISTRICT.
3. MAIMOONA, D/O. VALANGATTIL KADER HAJI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM,
THRISSUR TALUK, DISTRICT, PIN- 679 563.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S)/RESPONDENTS :

1. SUBAIDA,
W/O.KOOLIYATTIL SAIDALI, VAILATHUR AMSOM,
NHAMANANGHAT DESOM, THRISSUR TALUK, DISTRICT, PIN- 679 563,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
KOOLIYATTIL MOHAMMED AYOOB, S/O. SAIDALAI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM, THRISSUR TALUK,
DISTRICT, PIN-679 563.
2. KOOLIYATTIL MOHAMMED AYOOB,
S/O.SAIDALI, VAILATHUR AMSOM, NHAMANANGHAT DESOM,
THRISSUR TALUK, DISTRICT, PIN- 679 563.
3. KOOLIYATTIL BABY HYDROSE,
S/O.SAIDALI, VAILATHUR AMSOM, NHAMANANGHAT DESOM
THRISSUR TALUK, DISTRICT, PIN- 679 563,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
KOOLIYATTIL MOHAMMED AYOOB, S/O. SAIDALAI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM, THRISSUR TALUK
DISTRICT, PIN-679 563.

RPNo. 1119 of 2015

**4. KOOLIYATTIL PHARIDA RAHNA,
D/O. SAIDALI, VAILATHUR AMSOM, NHAMANANGHAT DESOM,
THRISUR TALUK, DISTRICT, PIN- 679 563,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
KOOLIYATTIL MOHAMMED AYOOB, S/O. SAIDALAI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM, THRISSUR TALUK,
DISTRICT, PIN-679 563.**

**5. KOOLIYATTIL MUHAMMED FAISAL,
S/O.SAIDALI, VAILATHUR AMSOM, NHAMANANGHAT DESOM,
THRISUR TALUK, DISTRICT, PIN- 679 563,
REPRESENTED BY POWER OF ATTORNEY HOLDER,
KOOLIYATTIL MOHAMMED AYOOB, S/O. SAIDALAI,
VAILATHUR AMSOM, NHAMANANGHAT DESOM, THRISSUR TALUK,
DISTRICT, PIN-679 563.**

BY ADV. SRI.JACOB SEBASTIAN

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: TRUE COPY OF PLAINT IN O.S.NO.1025/2013 ON THE FILE OF MUNSIFF COURT, CHAVAKKAD.
- ANNEXURE A2: TRUE COPY OF WRITTEN STATEMENT IN O.S.NO.1025/2013 ON THE FILE OF MUNSIFF COURT, CHAVAKKAD.
- ANNEXURE A3: TRUE COPY OF COMMISSION REPORT AND SKETCH IN O.S.NO.1025/2013 ON THE FILE OF MUNSIFF COURT, CHAVAKKAD.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. HARIPRASAD, J.

R.P. No. 1119 of 2015

in

C.R.P. No.347 of 2014

Dated this the 25th day of November 2015

O R D E R

Review petition filed by the respondents in C.R.P. No.347 of 2014.

2. Heard the learned counsel for the review petitioners (respondents in the C.R.P.) and the learned counsel for the respondents (petitioners in the C.R.P.).

3. Learned counsel for the petitioners submitted that the observation made by this Court in paragraph 4 of the order to the effect that the learned counsel submitted that the defendants have another source of water in their own property will prejudice their rights. But, it is evident that the observation is made on a submission by the learned counsel for the revision petitioner (plaintiffs). Hence, no scope of any prejudice.

4. Learned counsel for the plaintiffs contended that in their plaint, this contention was specifically raised which has not been controverted by the defendants (review petitioners) in the written statement. Therefore,

there is no basis for the apprehension that the petitioners may suffer prejudice on account of the observation.

5. Learned counsel for the petitioners further contended that he could not take steps on account of the stay order passed by this court when the revision was admitted.

6. On verification of the records, it is seen that the only order passed by this court on 29.04.2014 is regarding taking of water from the pond and there is no order of stay of suit. Hence, this submission is also unacceptable. The direction to the learned Munsiff was to dispose of the case in a time bound manner.

Considering the merits of the matter, I do not find any reason to entertain this review petition. In the result, this review petition is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/27/11/2015

P.A. To Judge