

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No.7723 of 2015 (M)

PETITIONER'S:

1. **BENNY.K,AGED 55 YEARS,S/O.K.M.KURIAKOSE,
KALIMATTATHIL HOUSE,KADAVOOR VILLAGE,
NJARAKKAD KARA,KOTHAMANGALAM TALUK.**
2. **CHINDU SARAH,AGED 25 YEARS,D/O.BENN.K,
KALIMATTATHIL HOUSE,KADAVOOR VILLAGE,
NJARAKKAD KARA,KOTHAMANGALAM TALUK.**
3. **MEREESHAN SUSAN,AGED 21 YEARS,D/O.BENNY.K,
KALIMATTATHIL HOUSE,KADAVOOR VILLAGE,
NJARAKKAD KARA,KOTHAMANGALAM TALUK.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.V.VISAL AJAYAN
SRI.B.SURJITH
SRI.ABHILASH JOSE
SRI.M.A.AHAMMAD SAHEER**

RESPONDENT'S:

1. **K.M.KURIAKOSE,AGED 83 YEARS,S/O.LATE MATHEW,
KALIMATTATHIL HOUSE,KADAVOOR VILLAGE,
NJARAKKAD KARA,KOTHAMANGALAM TALUK,PIN - 686691.**
2. **SARAKUTTY,AGED 80 YEARS,W/O.K.M.KURIAKOSE,
KALIMATTATHIL HOUSE,KADAVOOR VILLAGE,
NJARAKKAD KARA,KOTHAMANGALAM TALUK,PIN - 686691.**
3. **BEENA MATHEW,AGED 48 YEARS,W/O.COL. MATHEW,
D/O.K.M.KURIAKOSE,HOUSE NO.38/2145,
MATHA NAGAR ROAD,ELAMKULAM VILLAGE,
KANAYANNOOR TALUK,PIN - 682020.**
4. **BABY GIBOY,AGED 45 YEARS,W/O.GIBOY,D/O.K.M.KURIAKOSE,
PUNNILATHIL HOUSE,PUTHUVELI KARA,VELIYANNOOR VILLAGE,
MEENACHIL TALUK,PIN-683 596.**

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5. ADDITIONAL TAHASILDAR, TALUK OFFICE,
KOTHAMANGALAM, PIN - 686 691.

R1-R2 BY ADV.SRI.N.JAMES KOSHY
R5 BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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WP(C).No.7723 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1-TRUE COPY OF ORIGINAL SUIT NO.40/2010 OF SUB COURT
MUVATTUPUZHA DATED 6.3.2010.**

**EXT.P2-TRUE COPY OF RESTORATION PETITION FILED BY THE COUNSEL FOR
THE PETITIONERS DATED 7.1.2015.**

**EXT.P3-TRUE COPY OF NOTICE ISSUED BY THE 5TH RESPONDENT
DATED 5.2.2015**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.7723 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i) Direct the 5th respondent to stay all further proceedings pertaining to Exhibit P3 till the disposal of I.A. No.35/2015 in O.S. No.40 of 2010 pending before the Subordinate Court, Muvattupuzha.

ii) To issue such other writs, order or directions as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case."

2. Grievance of the petitioners is with regard to the issuance of Ext.P3 notice by the 5th respondent without any regard to the pendency of the matter before the concerned Civil Court ie., the Sub Court Muvattupuzha.

3. The learned Government Pleader submits on instructions that, the above I.A. stands listed for hearing before the concerned trial Court on 21.05.2015 and that the 5th respondent

is ready to wait till the outcome of the above I.A.

In the said circumstances, no further orders are necessary.
The above submission is recorded and the writ petition is closed.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE**

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