IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHIRCY V.

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2020 / 1ST ASWINA, 1942

OP(C).No.1416 OF 2020

AGAINST THE ORDER/JUDGMENT IN OS 207/2013 OF MUNSIFF COURT, PARAPPANANGADI

PETITIONER:

ARAMUGHAN
AGED 69 YEARS
S/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

BY ADV. SRI.P.PAULOCHAN ANTONY

RESPONDENTS:

1 **KELAN**
AGED 68 YEARS
S/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

2 **VELAYUDHAN,**
AGED 63 YEARS
S/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

3 **PADMAVATHI,**
AGED 61 YEARS
D/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

4 **DAKSHAYANI,**
AGED 55 YEARS
D/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

5 **PARVATHI,**
AGED 60 YEARS
D/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

6 **NIRMALA,**
AGED 45 YEARS
D/O.MELEPURATH CHAYICHAN (LATE), FEROKE NALLUR DESOM,
NALLUR P.O., KOZHIKODE TALUK, KOZHIKODE-676306.

7 ARAVINDAKSHAN,
AGED 47 YEARS
S/O.MELEPURATH AYYAPPAN (LATE), KONDOTTY AMSOM,
KANHIRAPARAMBU, ERNAD TALUK, MALAPPURAM-676308.

8 SARADHA,
AGED 69 YEARS
W/O.MELEPURATH AYYAPPAN (LATE), KONDOTTY AMSOM,
KANHIRAPARAMBU, ERNAD TALUK, MALAPPURAM-676308.

9 SIVARAMAN,
AGED 56 YEARS
S/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

10 SREENIVASAN,
AGED 50 YEARS
S/O.MELEPURATH CHAYICHAN (LATE), OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

11 CHEMBAYIL SHAHINA,
AGED 40 YEARS
W/O.EDAKKULANGARA MUHAMMED KOYA, OLAKARA AMSOM,
THIRURANGADI TALUK, MALAPPURAM-676306.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23.09.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 23rd day of September 2020

This petition is filed by the petitioner/ plaintiff in O.S.No.207/2013 pending before the Munsiff Court, Parappanangadi.

2. The reliefs sought for are as follows:

> i. To direct Hon'ble Munsiff Court, Parappanangadi to hear and pass appropriate orders on Exhibit-P3 final decree application in accordance with law as expeditiously as possible.
>
> ii. To pass any other order as this court deems fit.

3. The petitioner, who is a senior citizen, is the plaintiff in a suit filed for partition. The preliminary decree in the suit was passed on 23.12.2015. On 01.02.2016 itself the final decree application was filed by the petitioner and an Advocate Commissioner was appointed and the Commissioner had already filed report.

4. It is submitted by the learned counsel for the petitioner that now the final decree application stands posted to 26.09.2020 but, there is every

possibility to get it delayed. Apprehending further delay in disposal of the final decree application this petition has been filed by the petitioner for a direction to the court below to dispose of the same pending since 2016.

5. Heard the learned counsel for the petitioner.

6. On a perusal of the records produced before this court, it appears that the Commissioner has filed the report in the final decree application on 06.08.2018, still the same has not been disposed of by the court below. So there is some justification in seeking the relief sought for.

Therefore, this petition is allowed directing the court below to dispose of the final decree application No.330/2016 in O.S.No.207/2013, at the earliest, at any rate on or before closing of the courts for Christmas holidays (22.12.2020).

Sd/-

SHIRCY V.
JUDGE

mpm

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE JUDGMENT IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 23.12.2015.**
EXHIBIT P2	**TRUE COPY OF THE DECREE IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 23.12.2015.**
EXHIBIT P3	**TRUE COPY OF THE FINAL DECREE APPLICATION AS I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 1.2.2016.**
EXHIBIT P4	**TRUE COPY OF THE ADVOCATE COMMISSIONER REPORT IN FD I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 6.8.2018.**
EXHIBIT P5	**TRUE COPY OF THE OBJECTIONS FILED BY RESPONDENT NO-1 TO ADVOCATE COMMISSIONER REPORT IN FD I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 11.10.2018.**
EXHIBIT P6	**TRUE COPY OF THE OBJECTIONS FILED BY RESPONDENT NO-2 TO ADVOCATE COMMISSIONER REPORT IN FD I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 5.1.2019.**
EXHIBIT P7	**TRUE COPY OF THE I.A.NO.267/2019 IN FD I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 17.8.2019 FILED BY THE RESPONDENT NO.10.**
EXHIBIT P8	**TRUE COPY OF THE COUNTER IN I.A.NO.267/2019 IN FD I.A.NO.330/2016 IN OS NO.207/2013 OF HON'BLE MUNSIFF COURT, PARAPPANANGADI DATED 19.8.2019.**

// TRUE COPY //
P.A. TO JUDGE