IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 2ND DAY OF AUGUST 2024 / 11TH SRAVANA, 1946

OP(C) NO. 1538 OF 2024

AGAINST THE ORDER/JUDGMENT DATED IN AS NO.47 OF 2023 OF DISTRICT COURT & SESSIONS COURT,KOLLAM

PETITIONER:

ELIZABATH PETER
AGED 78 YEARS
D/O. JANE AUSTIN, VRINDAVAN, CHETTYCHIRA, VYTILLA (P.O), COCHIN, PIN - 682019

BY ADV S.SUJIN

RESPONDENTS:

1 **LAZARUS ALOYSIUS**
AGED 78 YEARS
S/O.SEBASTAIN LAZARUS RESIDING AT MARIYALAYAM, SAKTHIKULANGARA VILLAGE, SAKTHIKULANGARA CHERRY, KOLLAM, PIN - 691581

2 **STANLEY VINCENT**
AGED 61 YEARS
S/O.STANLEY, RESIDING AT KELAPILLATHOPPIL, SAKTHIKULANGARA VILLAGE, KOLLAM TALUK, PIN - 691581

3 **Y KAMARUDEEN**
AL AMEENS BUNGLAW, THIRUMULLAVARAM P.O, KOLLAM WEST VILLAGE, KOLLAM TALUK, PIN - 691001

4 **LAWRENCE BABY**
AGED 78 YEARS
S/O.LAWRENCE, SEA GIFT, SAKTHIKULANGARA VILLAGE, SAKTHIKULANGARA CHERRY, KOLLAM, PIN - 691581

5 **JOSEPH AUSTIN**
AGED 55 YEARS
S/O.ANDREW AUSTIN, AUSTINS VILLA, PUNNATHALA CHERRY, KOLLAM, PIN - 691001

6 **SATURIN AUSTIN**
/O.ANDREW AUSTIN, AUSTINS VILLA, PUNNATHALA CHERRY, KOLLAM REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,

JOSEPH AUSTIN, PIN - 691001

7 JAIN AUSTIN
W/O.ANDREW AUSTIN, ROSA MYSTICA MWRA 116, MUNDAKKAL KOLLAM, PIN - 691010

8 MARGRET LAWRENCE
D/O.JANE AUSTIN KUNTHANISSERIYIL, VETTAKKAL P.O, CHERTHALA, PIN - 688529

9 REGINALD AUSTIN
S/O.ANDREW AUSTIN, RESIDING AT BRIGHT SUN, LATHE WORKS, LLPO DUBAI, PRESENTLY IN CHIPPA, THANGASSERY, KOLLAM, PIN - 691001

10 CLETUS AUSTIN
S/O.ANDREW AUSTIN, 1122-NAVADEEP, MUNDAKKAL EAST P.O, KOLLAM, PIN - 691010

11 PHILOMENA AUSTIN
D/O.JANE AUSTIN, TC 23/1661, BNRA -55, JAWAHAR NAGAR, KOWDIAR, THIRUVANANTHAPURAM, PIN - 695003

12 MANAGER
KERALA STATE CO-OPERATIVE BANK ANANDAVALLEESWARAM BRANCH KOLLAM, PIN - 691013

13 INDIAN OIL CORPORATION LTD
PANAMPALLY AVENUE, COCHIN, PIN - 682301

14 PETER DAMIEN
S/O.VINCENT FERNS VRINDAVAN, CHETTYCHIRA, VYTILLA (P.O), COCHIN, PIN - 682019

15 CRISPIN VINCENT
S/O.VINCENT FERNS VRINDAVAN, CHETTYCHIRA, VYTILLA (P.O), COCHIN, PIN - 682019

16 STATE OF KERALA
REPRESENTED BY DISTRICT COLLECTOR, CIVIL STATION RD, KAANKATHU MUKKU KOLLAM, PIN - 691013

OTHER PRESENT:

SRI.S.UNNIKRISHNAN, GP

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

O.P.(C).No.1538 of 2024

Dated this the 2nd day of August, 2024

JUDGMENT

The petitioner has approached this Court seeking expeditious disposal of AS No.47 of 2023 pending before the District Court, Kollam within a time limit to be fixed by this Court.

2. The specific contention of the petitioner is that petitioner who is the 5th respondent in AS No.47 of 2023 is aged 78 and that the suit is decreed as early as on 30.11.2019 and an appeal was preferred belatedly in the year 2023 only to harass the petitioner. Petitioner further submits that she and her siblings are senior citizens especially the 7th respondent who is one of the defendant in the suit is aged 90.

3. When the matter was taken up for consideration on 19.7.2024, a report was called for

from the trial court concerned regarding the present stage of the case wherein it is reported that an appeal has been preferred along with a petition to condone the delay of 420 days in filing the appeal, notice to all the respondents in the delay application is served and 7 of them have entered appearance and the case is now posted to 19.8.2024 for objection and hearing on the delay condonation application. The trial court also reported that there are many very old matters pending before the court including 5+ year old cases to be disposed of. It is further reported that the appeal will be considered and disposed of as early as possible and earnest efforts will be taken to dispose it before December, 2024.

4. Taking into consideration the fact that the petitioner is aged 78 and most of the parties are also aged, the District Court, Kollam shall take all endevours to see that A.S No.47 of 2023 is disposed of without much delay,at any rate, within a time

limit sought for in the report.

With the above said direction, the original petition is disposed of.

sd/-

VIJU ABRAHAM,JUDGE

pm

APPENDIX OF OP(C) 1538/2024

PETITIONER'S EXHIBITS

Exhibit P1	**TRUE COPY OF THE JUDGMENT DATED 30/11/2019 IN O.S NO.352/2010 ON THE FILES OF PRINCIPAL SUB COURT, KOLLAM**
Exhibit P2	**TRUE COPY OF THE APPEAL MEMORANDUM IN A.S NO.47/2023 ON THE FILES OF DISTRICT COURT KOLLAM**
Exhibit P3	**TRUE COPY OF THE JUDGMENT DATED 18/03/2024 IN O.P.(C) NO485/2024**