IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 14TH DAY OF MARCH 2023 / 23RD PHALGUNA, 1944

OP(C) NO. 494 OF 2023

TO CONSIDER AND DISPOSE OF OS 158/2015 OF MUNSIFF COURT, CHITTUR

PETITIONER/S:

JAYASEELAN,AGED 72 YEARS,S/O GURU SWAMI, HAVING THE ADDRESS VANNARAKATTAR VEEDU, CHATHRAM, PARUSIKKAL, VADAKARAPATHI VILLAGE, PALAKKAD DISTRICT, PIN - 678556

BY ADV G.SREEKUMAR (CHELUR)

RESPONDENT/S:

1 SILUVARAYAR,AGED 87 YEARS,S/O CHINNUDURAI @ PAPPU, RESIDING IN THE ADDRESS KANAKANKALATHIL HOUSE, CHATHRAM, PARUSIKKAL, VADAKARAPATHI VILLAGE, PALAKKAD DISTRICT, PIN - 678556

2 XAVIER,AGED 62 YEARS,S/O SILUVARAYAR, RESIDING IN THE ADDRESS KANAKANKALATHIL HOUSE, CHATHRAM, PARUSIKKAL, VADAKARAPATHI VILLAGE, PALAKKAD DISTRICT, PIN - 678556

3 CHARELS XAVIER,AGED 62 YEARS,S/O JOHN CRUIS, RESIDING IN THE ADDRESS KANAKANKALATHIL HOUSE, CHATHRAM, PARUSIKKAL, VADAKARAPATHI VILLAGE, PALAKKAD DISTRICT, PIN - 678556

4 JOKA KANAKAPAN,AGED 60 YEARS,S/O JOHN CRUIS, CHATHRAM, PARUSIKKAL, VADAKARAPATHI VILLAGE, PALAKKAD DISTRICT, PIN - 678556

5 DEVADAS,AGED 57 YEARS,S/O JOHN CRUIS, RESIDING IN THE ADDRESS KANAKANKALATHIL HOUSE, VADAKARAPATHI VILLAGE, CHATHRAM, PARUSIKKAL, PALAKKAD DISTRICT, PIN - 678556

6 PETER,AGED 52 YEARS,S/O JOHN CRUIS, RESIDING IN THE ADDRESS KANAKANKALATHIL HOUSE, VADAKARAPATHI VILLAGE, CHATHRAM, PARUSIKKAL, PALAKKAD DISTRICT, PIN - 678556

7 LEO XAVIER @ XAVIER,AGED 60 YEARS,S/O GURUSWAMI, RESIDING AT MANIAKARAN CHELLAYIL HOUSE, VADAKARAPATHI VILLAGE, CHATHRAM, PARUSIKKAL, PALAKKAD DISTRICT, PIN - 678556

8 JAMES DEVARAJ @ JAMES,AGED 57 YEARS
S/O GURUSWAMI, RESIDING AT MANIKARAN CHELLAYIL HOUSE, VADAKARAPATHI VILLAGE, CHATHRAM, VARUSIKKAL, PALAKKAD DISTRICT, PIN - 678556

9 LUIS MARY,AGED 62 YEARS,W/O GEORGE MICHEAL, , RESIDING AT MANIAKARAN CHELLAYIL HOUSE, VADAKARAPATHI VILLAGE, CHATHRAM, PARUSIKKAL, PALAKKAD DISTRICT, PIN - 678556

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 14.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.S DIAS,J.

OP(C) No.494 of 2023

Dated this the 14th day of March, 2023.

JUDGMENT

The original petition is filed to direct the Court of the Munsiff, Chittoor to consider and dispose of OS No.158/2015 within a reasonable time period.

2. Pursuant to the order dated 7.3.2023 passed by this Court, the learned Munsiff , by communication dated 10.3.2023, has informed this Court that the suit stands posted for pre-trial steps and enquiry in IA No.2101/2021 to 5.4.2023. The court below requires six months' time to dispose of the suit.

3. Heard; Sri.G.Sreekumar (Chelur), the learned counsel appearing for the petitioner. Even though notice has been served on the learned counsel appearing for the respondents before the court below, there is no appearance for them.

4. In the light of the pleadings and materials on record and after perusing the communication of the learned Munsiff, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the Munsiff, Chittoor, to consider and dispose of OS No.158/2015, in accordance with law and as expeditiously as possible, at any rate within a period of three months after the completion of pre-trial steps.

The original petition is ordered accordingly.

SD/-

sks/14.3.2023 **C.S.DIAS, JUDGE**

APPENDIX OF OP(C) 494/2023

PETITIONER EXHIBITS

ExhibitP1	A TRUE COPY OF THE PLAINT IN O S NO 158 OF 15 DATED 30.3.15 ON THE FILE OF THE MUNSIFF COURT, CHITTOOR.
ExhibitP2	A TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS DATED 30.3.16 IN EXT P1 SUIT.
ExhibitP3	A TRUE COPY OF THE COMMISSIONERS REPORT AND PLAN IN EXT P1 SUIT FILED DATED 10.11.20.
ExhibitP4	A TRUE COPY OF THE OBJECTION FILED TO THE COMMISSIONERS REPORT AND PLAN AT THE INSTANCE OF THE DEFENDANTS AS CONCERNING EXT P3 DATED 18.11.21.