

E.P. Ramesan Vs. Geetha

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Court : Kerala

Decided On : Dec-20-2012

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : E.P. Ramesan

Respondent : Geetha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 20TH DAY OF DECEMBER 2012 29TH AGRAHAYANA 193 OP(C).No. 4470 of 2012 (O) ----- OP.NO. 28/2012 of ADITONAL DISTRICT COURT,KOTTAYAM ----- PETITIONER(S): ----- E.P. RAMESHAN,, AGED 5 YEARS, SON OF PRABHAKARAN NAIR, SWAPNIL APARTMENTS, KADAVANTHRA, KOCHI-20, ERNAKULAM VILLAGE, KANAYANNUR TALUK. BY ADV. SRI.BASIL MATHEW RESPONDENT(S): ----- 1. GEETHA,, AGED 5 YEARS, WIFE OF RADAKRISHNAN NAIR, CHANAYIL HOUSE, KULASEKHARAMANGALAM.P.O., VAIKOM. PIN-686 608.

2. ANOOP.S., AGED 3 YEARS, SON OF SASIDHARAN NAIR, SHANKARA BHAVANAM, MARAVAMTHURUTHU.P.O, VAIKOM. PIN-686 608.

3. ANU.S., AGED 3 YEARS, DAUGHTER OF SASIDHARAN NAIR, SHANKARA BHAVANAM, MARAVAMTHURUTHU P.O., VAIKOM. PIN-686 608.

4. RADHA SASIDHARAN,, AGED 5 YEARS, WIFE OF SASIDHARAN NAIR, SHANKARA BHAVANAM, MARAVAMTHURUTHU.P.O, VAIKOM. PIN-686 608.

5. K.R.SAROJAM,, AGED 7 YEARS, NELLIKKAL HOUSE, KULASEKHARAMANGALAM.P.O., VAIKOM. PIN-686 608.

6. E.P.REKHU,, AGED 4 YEARS, SON OF PRABHAKARAN NAIR, EDATHIL PARAMBU HOUSE, KULASEKHARAMANGALAM.P.O, VAIKOM. PIN-686 608.

7. S.RAJASREE,, AGED 4 YEARS, WIFE OF DEVARAYYA MENON, NELLIKKAL HOUSE, KULASEKHARAMANGALAM.P.O, VAIKOM. PIN-686 608. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 20-12-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: NS OP(C).No. 4470 of 2012 (O) APPENDIX PETITIONER(S) EXHIBITS : EXT.P1- COPY OF LAOP NO.28/2012 ON THE FILE OF THE DISTRICT COURT II, KOTTAYAM. EXT.P2- COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN LAOP 28 2012 ON THE FILE OF THE DISTRICT COURT II, KOTTAYAM. EXT.P3- COPY OF THE SETTLEMENT DEED NO.1019/2012 DATED 11 04.2012 OF SRO VAIKOM ON THE FILE OF THE DISTRICT COURT II, KOTTAYAM. EXT.P4- COPY OF I.A.NO.1024/2012 IN LAOP 28 2012 ON THE FILE OF THE DISTRICT COURT II, KOTTAYAM. EXT.P5- COPY OF THE INJUNCTION SCHEDULE DATED 21 06.2012 FILED IN LAOP 28 2012 ON THE FILE OF THE DISTRICT COURT II, KOTTAYAM. EXT.P6- COPY OF THE COUNTER AFFIDAVIT DATED 28 06.2012 IN I.A.NO.1024/2012 IN LAOP 28 2012. RESPONDENTS' EXHIBITS : / TRUE COPY / NS P.A. TO JUDGE THOMAS P. JOSEPH, J.

===== Original Petition (civil)) No. 4470 of 2012
===== Dated this the 20th day of December, 2012 JUDGMENT Petitioner is the 5th respondent in LAOP. No. 28 of 2012 filed by the first respondent in the IInd Additional District Court, Kottayam. That proceeding concerns a Will dated 22.11.2004 (allegedly) executed by the late Prabhakaran Nair. The petitioner claims that Will No. 10/94 dated 19.09.1994 is

the last Will and testament of the said Prabhakaran Nair. Petitioner has filed Ext.P4, application for an order of temporary injunction to restrain the first respondent from effecting transfer of the properties involved. Grievance of the petitioner is that though Ext.P4, application was preferred on 21.06.2012, that application has not so far been disposed and in the meantime, the first respondent is going on transferring certain items. Hence this original petition for a direction to the learned IInd Additional Judge, Kottayam to dispose of Ext.P4, application as early as possible.

2. I am not aware of the volume of work of the court concerned. Hence I cannot direct a time bound disposal of O.P.(C). No.4470 of 2012 -:

2. :- Ext.P4, application.

3. However, grievance of the petitioner is required to be considered. Hence the learned IInd Additional District Judge, Kottayam is directed to dispose of Ext.P4, application (if the preliminary steps are over) in LAOP No. 28 of 2012 as early as possible having regard to the grievance of the petitioner. The original petition is disposed of as above. Sd/- THOMAS P.JOSEPH, JUDGE smv //True copy// P.A.
To Judge

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