

Dr.C.Vasanthakumari Vs. ReenA.K.

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Court : Kerala

Decided On : Nov-05-2013

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Dr.C.Vasanthakumari

Respondent : ReenA.K.

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN TUESDAY, THE 5TH DAY OF NOVEMBER 2013 14TH KARTHIKA, 1935 Tr.P(C).No. 431 of 2013 () ----- (TO TRANSFER OS3272013 OF MUNSIFF COURT, THALASSERY TO THE MUNSIFF COURT, KOILANDY) PETITIONERS: -----
1. DR.C.VASANTHAKUMARI, AGED 61 YEARS W/O. LATE ADV.JANARDHANAN RETIRED DEPUTY DIRECTOR OF COLLEGIATE EDUCATION RESIDING AT SREE VIHAR P.O., KADIRUR, THALASSERY-670642.

2. JEEVANAND JANARDHANAN, AGED 25 YEARS RESIDING AT SREE VIHAR, P.O. KADIRUR THALASSERY-670642. BY ADV. SRI.R.K.MURALEEDHARAN
RESPONDENT: ----- REENA.K., AGED 38 YEARS ADVOCATE, D/O. AMBU, RESIDING AT PANAYADA HOUSE NARAVOOR, P.O. KUTHUPARAMBA, KANNUR DISTRICT. R. BY ADV. SRI.K.MOHANAKANNAN R. BY ADV. SMT.A.R.PRAVITHA THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2013, THE COURT ON THE SAME DAY PASSED

THE FOLLOWING: Tr.P(C).No. 431 of 2013 () APPENDIX PETITIONER'S EXHIBITS: ANNEXURE A1: TRUE COPY OF THE PLAINT IN O.S.NO.327/2013 ON THE FILE OF MUNSIFF COURT, THALASSERY. ANNEXURE A2: TRUE COPY OF THE I.A. FILED ALONG WITH THE SUIT. ANNEXURE A3: TRUE COPY OF THE RECEIPTS FOR PAYMENT OF ELECTRICITY CHARGE IN RESPECT OF CONSUMER NO.5730 ANNEXURE A3(b): TRUE COPY OF THE WATER CHARGE TOWARDS CONSUMER NO.K- 322. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE Scl. P.N. RAVINDRAN, J.

----- Tr. P.(C) No.431 of 2013 ----- Dated
this the 5th day of November, 2013

ORDER

The petitioners are the defendants in O.S.No.327 of 2013 on the file of the Court of the Munsiff of Thalassery. The sole respondent is the plaintiff therein. The suit instituted by the respondent is one for a permanent prohibitory injunction restraining the defendants, their men and associates from forcibly evicting her from the plaint schedule building without recourse to law. In this transfer petition, the petitioners pray for transfer of the said suit from the Court of the Munsiff of Thalassery to another Munsiff Court in Kozhikode District. It is stated that the respondent/plaintiff is none other than the junior of late M. Janardhanan, Advocate, the husband of the first petitioner and father of the second petitioner, who passed away on 2.8.2009 and that the respondent has filed a suit claiming to be a tenant under late M. Janardhanan and on account of the fact that the plaintiff is a lawyer practising in the Courts at Thalassery, the petitioners are not in a position to engage a lawyer to defend the suit and therefore, the suit may be transferred to another Munsiff Court in Kozhikode District. Tr. P.(C) No.431 of 2013 2 2. Though the respondent has entered appearance and filed objections and has also averred that Sri. O.G. Premarajan, learned counsel had entered appearance on behalf of the petitioners and there is therefore no merit in the plea that the petitioners are not in a position to engage a lawyer to defend the suit, when the transfer petition came up for hearing today, Sri.K. Mohanakannan, learned counsel appearing for the respondent submitted that the respondent has no objection in the suit being transferred to the Munsiff Court at Koilandy or

Vadakara. The learned counsel appearing for the petitioners submitted that the suit may be transferred to Munsiff Court, Koilandy.

3. In view of the fact that both sides have no objection if the suit being transferred to Munsiff Court, Koilandy, I allow the transfer petition and transfer O.S.No.327 of 2013 from the Court of the Munsiff of Thalassery to the Court of the Munsiff of Koilandy. The Court of the Munsiff of Koilandy shall, having regard to the limited nature of the relief prayed for in the suit, try and dispose of the suit expeditiously and in any event within an outer limit of four months from the date of receipt of the records. The parties shall appear in the Court of the Munsiff of Koilandy, Tr. P.(C) No.431 of 2013 3 to which the suit stands transferred through counsel on 18.11.2013. The petitioners shall file their written statement, if any, on or before 30.11.2013. sd/- P.N. RAVINDRAN JUDGE Scl. //true copy// P.A.to Judge

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