

Velappan Nair Vs. Sakthi Devi

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Velappan Nair

Respondent : Sakthi Devi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH THURSDAY, THE 30TH DAY OF JANUARY 2014 10TH MAGHA, 1935 OP(C).No. 259 of 2014 (O) ----- AGAINST THE

ORDER

IN E.A. 231/2013 IN E.P. NO. 19/2009 IN OS851977 OF I ADDL. MUNSIFF COURT, NEYYATTINKARA DATED 16-11-2013 PETITIONER(S): ----- 1. VELAPPAN NAIR AGED 60 YEARS S/O. KRISHNAN NAIR KRISHNAVILASOM BUNGLOW PULLUVEETIL, CHENNIYODE UCHAKADA P.O., KARODE, VILLAGE REPRESENTED BY EX-PRESIDENT THAZHAVILA DEVI TEMPLE PAZHAYA UCHAKADA 2 N.K. VELAPPAN NAIR, AGED 60 YEARS S/O. KRISHNAN NAIR KRISHNAVILASOM BUNGLOW PULLUVEETIL, CHENNIYODE UCHAKADA P.O., KARODE VILLAGE BY ADVS.SRI.R.T.PRADEEP SRI.P.BIJIMON RESPONDENT(S): ----- 1. SAKTHI DEVI D/O. VASUMATHY SASIVILASOM

BUNGLOW MANJAMKUZHI, KEEZHKOLLA DESOM CHENKAL VILLAGE 695121
2. SASIMATHI D/O. VASUMATHY, RESIDING AT -DO -DO- 3. SASIKUMAR S/O.
BALAKRISHNA PANICKER RESIDING AT -DO -DO- DCS OP(C).No. 259 of
2014 (O) 4. SYAMAPRASAD S/O. BALAKRISHNA PANICKER RESIDING AT -
DO -DO- 5. SOORYAKUMARI D/O. VASUMATHY RESIDING AT -DO -DO- 6.
SATHYA VRADHAN S/O. BALAKRISHNA PANICKER RESIDING AT -DO -DO- 7.
SANALKUMAR S/O. BALAKRISHNA PANICKER RESIDING AT -DO -DO- 8.
CHITHRALEKHA D/O. VASUMATHY, RESIDING AT -DO -DO- 9. SREEKALA
D/O. VASUMATHY, RESIDING AT -DO -DO- 10. PRATHIBHA D/O. SHARIKA
DEVI RESIDING AT -DO -DO- 11. PRAVEESH S/O. BALAKRISHNA PANICKER
RESIDING AT -DO -DO- THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 3001-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: DCS OP(C).No. 259 of 2014 (O) APPENDIX PETITIONER(S)
EXHIBITS ----- EXHIBIT P1. COPY OF E.P. NO. 19/2009
IN O.S. 85/77 BEFORE THE COURT OF ADDL. MUNSIFF I, NEYYATTINKARA
EXHIBIT P2. COPY OF E.A. NO. 231/2013 DATED 66.2.2013 EXHIBIT P3. COPY
OF OBJECTION DATED 67.2.2013 BY THE RESPONDENTS EXHIBIT P4. COPY
OF

ORDER

DATED 16.11.2013 IN E.A. NO. 231/2013 EXHIBIT P5. COPY OF MEMORANDUM
OF APPEAL DATED 17.01.2014 IN A.S. NO. 11/2014 EXHIBIT P6. COPY OF I.A.
NO. 101/2014 DATED 17.01.2014 EXHIBIT P7. COPY OF E.A. NO. 47/2014
DATED 25.01.2014 RESPONDENT'S EXHIBITS:- NIL /TRUE COPY/ P.A. TO
JUDGE DCS V.CHITAMBARESH, J.

----- O.P.(C) No. 259 of 2014 -----
Dated this the 30th day of January, 2014

JUDGMENT

An order in E.A. No. 231/2013 in E.P. No. 19/2009 in O.S. No. 85/1977 on the file
of the Court of the 1st Additional Munsiff, Neyyattinkara has been passed on an
application under Order XXI Rule 97 of the Code of Civil Procedure. The
petitioners have challenged the said order in A.S. No. 11/2014 on the file of the

Court of the Subordinate Judge of Neyyattinkara. The petitioners have called in aid the provisions of Order XXI Rule 103 of the Code of Civil Procedure and the appeal is accompanied by a petition to condone the delay of twenty one days.

2. I direct the Court of the Subordinate Judge of Neyyattinkara to dispose of the interlocutory applications in A.S. No. 11/2014 expeditiously. Every endeavour shall be made to dispose of interlocutory applications within a period of two months from the date of receipt of a copy of this judgment. The decree holders in O.S. No. 85/1977 are however free to execute the decree and take delivery of the property entitled.

3. I hasten to add that no acts of damage or structures in the property dismantled till the interlocutory applications in O.P.(C) No. 259 of 2014 2 A.S. No. 11/2014 is considered. It is made clear that the delivery of the property in execution of the decree in O.S. No. 85/1977 can go on and that the same would be subject to the result of the final verdict in A.S. No. 11/2014. The Original Petition is disposed of.

V.CHITAMBARESH JUDGE DCS

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