

Sidhique Vs. Muhammed

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Sidhique

Respondent : Muhammed

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH THURSDAY, THE 29TH DAY OF MAY 2014 8TH JYAISHTA, 1936 OP(C).No. 1221 of 2014 (O) ----- IN IA NO. 332/2014 AND 333/2014 IN OS NO. 353/1992 OF PRINCIPAL MUNSIFF COURT, PALAKKAD DATED 19-03-2014 PETITIONER(S)/4TH DEFENDANT : ----- SIDHIQUE AGED 65 YEARS S/O. MUHAMMED, VARITHODE, OLAVAKKODE, PALAKKAD DISTRICT. BY ADVS. SRI. BINOY VASUDEVAN SMT. P.G. BABITHA RESPONDENT(S)/PLAINTIFFS/DEFENDANTS 1 TO 3 & 5: ----- 1. MUHAMMED, S/O. LATE ASSANAR, KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101. 2. ABDUL LATHEEF, S/O. LATE ASSANAR, KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101.

3. KABEER, S/O. MUHAMMED MASTER (DIED), KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101.

4. PATHUMUTHU, W/O. ASSANAR(DIED), KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101.

5. MUMMY, S/O. KABEER, KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101.

6. FAFIA , W/O. KABEER, KUNDUKULAM, VARITHODE OLAVAKKODE, PALAKKAD TALUK, PALAKKAD DISTRICT-678 101. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-05-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C).No. 1221 of 2014 (O) APPENDIX PETITIONER(S)' EXHIBITS EXHIBIT P1 : COPY OF SUMMONS IN EP NO.255/2013 IN OS NO.353/1992 ON THE FILE OF THE COURT OF THE PRINCIPAL MUNSIFF'S AT PALAKKAD. EXHIBIT P2 : COPY OF THE IA NO.332/2014 IN OS NO.353/1992 ON THE FILE OF THE COURT OF THE PRINCIPAL MUNSIFF AT PALAKKAD. EXHIBIT P3 : COPY OF THE IA NO.333/2014 IN OS NO.353/1992 ON THE FILE OF THE COURT OF THE PRINCIPAL MUNSIFF AT PALAKKAD. EXHIBIT P4 : COPY OF THE OBJECTION REFERRED TO IA NO.332/2014 IN OS NO.353/1992 ON THE FILE OF THE COURT OF THE PRINCIPAL MUNSIFF AT PALAKKAD. EXHIBIT P5 : COPY OF THE OBJECTION REFERRED TO IA NO.333/2014 IN OS NO.353/1992 ON THE FILE OF THE COURT OF PRINCIPAL MUNSIFF AT PALAKKAD. RESPONDENT(S)' EXHIBITS : NIL /TRUE COPY/ P.A. TO JUDGE. V. CHITAMBARESH, J ----- OP(C) NO. 1221 OF 2014----- Dated this the 29th day of May, 2014

JUDGMENT

The petitioner suffered an ex-parte decree in a suit for recovery of possession and mandatory injunction. The petitioner later filed an application for setting aside the ex-parte decree supported by an application for condonation of delay. The same have been dismissed by the court below and the petitioner intends to challenge the same in a civil miscellaneous appeal.

2. The petitioner is in the meanwhile threatened with coercive steps for dispossession in execution of the decree. The petitioner seeks a breathing time to file an appeal and to defer the execution proceedings in the meanwhile. The petitioner contends that certified copy of the orders dismissing the interlocutory applications have not been received though applied for early.

3. I direct the court of the Principal Munsiff of Palakkad to issue certified/carbon copy of the orders in I.A. No. 332/2014 and 333/2014 in O.S. No. 353/1992. The same shall be issued to 2 OP(C) No. 1221/2014 the petitioner on usual terms within a period of two weeks from today. The dispossession of the petitioner in E.P. No. 255/2013 in O.S. No. 353/1992 shall be put on hold for a period of three weeks. The Original Petition is disposed of. V. CHITAMBARESH JUDGE ncd

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