

Pappu Vs. Karthu

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Court : Kerala

Decided On : Jul-10-2014

Judge : Honourable Mr. Justice a.Muhammed Mustaque

Appellant : Pappu

Respondent : Karthu

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.CHITAMBARESH THURSDAY, THE 10TH DAY OF JULY 2014 19TH ASHADHA, 1936 OP(C).No. 1563 of 2014 (O) ----- AGAINST THE

ORDER

IN IA.NO.686/2014 IN AS382014 of SUB COURT, PERUMBAVOOR DATED 21-06-2014 PETITIONER(S): ----- PAPPU, AGED 86 S/O.CHATHAN AND KUNJAMBA MORKKOOTTUKOOTTAM HOUSE, KALAPPARA ALATTUCHIRA PO, PIN CODE - 683 544 KODANAD VILLAGE, KUNNATHUNADU TALUK. BY ADVS.SRI.K.C.ELDHO SRI.JIJO THOMAS SRI.SURAJ.S RESPONDENT(S): ----- KARTHU, AGED 65 W/O.KANNAN MANEKKATTU HOUSE, KODANAD KARA KODANAD VILLAGE, KUNNATHUNADU TALUK ERNAKULAM DISTRICT - 683 544. R BY SRI.V.RAJENDRAN (PERUMBAVOOR) THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 10-07-2014, THE COURT ON THE SAME DAY DELIVERED

THE FOLLOWING: APPENDIX IN O.P.(C) No.1563 OF 2014 PETITIONER(S) EXHIBITS EXHIBIT P1 : A TRUE COPY OF THE APPEAL MEMORANDUM IN AS.NO.38/2014 ON THE FILE OF THE SUB COURT, PERUMBAVOOR. EXHIBIT P2 : A TRUE COPY OF THE CLAIM PETITION VIDE EA.NO.30/2012 IN EP.NO.134/2010 IN OS.NO.15/1989 OF THE FILE OF THE MUNSIFF'S COURT, PERUMBAVOOR. EXHIBIT P3 : A TRUE COPY OF THE BASIC TAX REGISTER OF KODANAD VILLAGE PERTAINING TO THE PROPERTY OF THE PETITIONER. EXHIBIT P4 : A TRUE COPY OF THE THANDAPER REGISTER OF KODANAD VILLAGE WITH RESPECT TO THE PROPERTY OF THE PETITIONER. EXHIBIT P5 : A TRUE COPY OF THE COMMISSION REPORT AND SKETCH IN EXT.P2 CLAIM PETITION. EXHIBIT P6 : A TRUE COPY OF THE

JUDGMENT

IN O.A.NO.15/1989 OF THE MUNSIFF'S CDOSURT, PERUMBAVOOR. EXHIBIT P7 : A TRUE COPY OF THE

JUDGMENT

IN W.P.(C) NO.4553/2012 OF THIS HON'BLE COURT. EXHIBIT P8 : A TRUE COPY OF THE

JUDGMENT

IN OP(C) NO.463/2012 OF THIS HON'BLE COURT. EXHIBIT P9 : A TRUE COPY OF THE

ORDER

DATED 21.5.2014 IN EXT.P2 PETITION. EXHIBIT P10 : A TRUE COPY OF IA.NO.686/2014 IN AS.NO.38/2014 ON THE FILE OF THE SUB COURT, PERUMBAVOOR. EXHIBIT P11 : CERTIFIED COPY OF THE

ORDER

DATED 21.6.2014 IN I.A.NO.686/2014 IN AS.NO.38/2014 ON THE FILE OF THE SUB COURT, PERUMBAVOOR. EXHIBIT P12 : A TRUE COPY OF THE

JUDGMENT

DATED 25.6.2014 IN OP(C) NO.1421/2014. RESPONDENT(S) EXHIBITS NIL.
//TRUE COPY// P.S. TO JUDGE. V.CHITAMBARESH, J.

----- O.P (C) No.1563 of 2014 ----- Dated this the 10th day
of July, 2014

JUDGMENT

An order refusing stay pending appeal filed against an order rejecting the claim petition is impugned. Any pronouncement on merits will affect the ultimate disposal of the Appeal Suit causing prejudice to the parties. Suffice it to say that A.S.No.38/2014 on the file of the court of the Subordinate Judge of Perumbavoor shall be disposed of expeditiously. Every endeavour shall be made to dispose of the Appeal before the court closes for Onam vacation.

2. The petitioner, his wife and children can in the meanwhile be permitted to occupy the houses in the property as licensees. This is subject to the condition that the persons afore-mentioned files an affidavit in the Appellate Court undertaking to vacate the premises unconditionally dependent on the verdict in the Appeal Suit. It is made clear that no persons other than the petitioner, his wife and children are permitted to so occupy as licensees. Such occupation as licensees will not confer any special right on the petitioner, his wife and children in the ultimate O.P (C) No.1563 of 2014 2 disposal of the Appeal Suit. The Original Petition is disposed of. Sd/- V.CHITAMBARESH, Judge. nj.

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