

Aibi Mol vs Vasanthi

Aibi Mol vs Vasanthi

SooperKanoon Citation : sooperkanoon.com/1278768

Court : Kerala

Decided On : Mar-25-2025

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : OP(C)/714/2025

Appellant : Aibi Mol

Respondent : Vasanthi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947
OP(C) NO. 714 OF 2025 OS NO.242 OF 2023 OF PRINCIPAL
MUNSIFF COURT, PALAKKAD PETITIONER: AIBI MOL AGED 53
YEARS W/O THANKACHAN, 'ARCHITHAM', MUTTIKULANGARA,
PALAKKAD TALUK, PALAKKAD DISTRICT, PIN - 678594 BY ADVS.
SARATH M.S. B.PREMNATH (E) RESPONDENTS: 1 VASANTHI AGED
78 YEARS W/O LATE CHELLAPPAN, THALACHIRA, AANAKKAL
POST, 2 AIBI AGED 60 YEARS S/O LATE CHELLAPPAN,
THALACHIRA, AANAKKAL POST, 3 SHIBI AGED 55 YEARS S/O LATE
CHELLAPPAN, THALACHIRA, AANAKKAL POST, -2- 4 MANAGER

UNION BANK OF INDIA, KANCHIKODE BRANCH, KANCHIKODE WEST, PALAKKAD,, PIN - 678623 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 25.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

(Dated this the 25th day of March, 2025) The petitioner is the plaintiff in the OS. No.242/2023 on the file of the Munsiff Court, Palakkad. The respondents are defendants in the suit. The suit is filed for partition. The petitioner filed I.A. No.1175/2023 in the suit praying for temporary injunction against 4th respondent-Bank not to take action against the plaint schedule property till the determination of the share of the plaintiff and defendants. The 1st defendant filed a written statement.

2. The petitioner contends that without filing a

counter affidavit, the 4th respondent initiated SARFAESI proceedings. He seeks a direction to the Munsiff Court, Palakkad, to consider Ext.P2, IA No.1175/2023 and pass orders and direct the 4th respondent-Bank not to initiate any action against the plaint schedule property till orders are passed on Ext.P2. -4-

3. A report was called for, and a report dated 20.03.2025 is received, wherein it is stated that the above IA was filed on 20.05.2023 and on 05.06.2023, the petitioner represented, and notice served to the respondent. For

hearing, it was posted to 08.08.2023. On 22.02.2024, the application was posted for objection and hearing along with the suit. The Munsiff requested four months' time to dispose of IA No.1175/2023. Taking into consideration the facts and circumstances of the case and the report of the Munsiff, I dispose of this original petition, with a direction to the Munsiff Court, Palakkad, to consider and dispose of IA No.1175/2023 on or before 30th of June, 2025. Till such time, the interim order granted on 14.03.2025 will continue.

Sd/- BASANT BALAJI JUDGE JS -5- APPENDIX OF OP(C) 714/2025
PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE PLAINT IN O.S.

NO.242/2023 ON THE FILE OF MUNSIFF COURT, PALAKKAD DATED 20.5.2023 Exhibit P2 TRUE COPY OF THE I.A. NO.1175/2023 IN O.S. NO.242/2023 ON THE FILE OF MUNSIFF COURT, PALAKKAD DATED 20/5/2023 Exhibit P3 TRUE COPY OF THE WRITTEN STATEMENT IN O.S. NO.242/2023 ON THE FILE OF MUNSIFF COURT (ADDITIONAL), PALAKKAD DATED 7.12.2023 Exhibit P4 TRUE COPY OF THE NOTICE DATED 6.3.2025

ISSUED BY KMP ANAND, ADVOCATE COMMISSIONER TO RESPONDENTS 2 & 4 AND OTHERS INTENDED TO TAKE POSSESSION DATED Exhibit P5 TRUE COPY OF THE PARTITION DEED NO.450/1972 DATED 18.2.1972 EXECUTED BY KOCHUKUTTAN

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com