

**Joseph vs Augusty**

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**SooperKanoon Citation :** [sooperkanoon.com/1286566](http://sooperkanoon.com/1286566)

**Court :** Kerala

**Decided On :** May-31-2024

**Judge :** Honourable Dr. Justice Kauser Edappagath

**Appeal No. :** OP(C)/120/2024

**Appellant :** Joseph

**Respondent :** Augusty

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH  
FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946  
AGAINST THE ORDER IN FDIA 130/2020 IN OS NO.299 OF 2013 OF  
MUNSIFF COURT, MUVATTUPUZHA PETITIONER/2ND  
PETITIONER/3RD DEFENDANT: JOSEPH AGED 79 YEARS S/O LATE  
THOMMAN, MANKUDIYIL HOUSE, MUTHALAKODAM KARA,  
THODUPUZHA VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT,,  
PIN - 685605 BY ADVS. BOBBY GEORGE JOY C. PAUL ELDBHOSE  
JOY BABY SIMON REEJO JOHNSON NOBLE GEORGE ABHILASH  
MURALEEDHARAN MADHU V. RESPONDENTS/RESPONDENTS/1ST  
AND 3RD PETITIONERS/2-5TH DEFENDANTS/PLAINTIFF: 1

AUGUSTY AGED 82 YEARS S/O LATE THOMMAN,MANKUDIYIL HOUSE, ARIKUZHA KARA, MANAKADU VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT, PIN - 685608 2 ROSA AGED 90 YEARS W/O VARKEY CHIRAYATH HOUSE, KUDALAPPATTU KARA, CHERANALLOOR VILLAGE, KUNNATHUNADU TALUK, ERNAKULUM DISTRICT, PIN - 682034 3 CHACKO AGED 70 YEARS

S/O LATE THOMMAN, MANKUDIYIL HOUSE, KALLOORKADU 4 JOHN AGED 88 YEARS S/O LATE THOMMAN ,MANKUDIYIL HOUSE, KALLOORKADU 5 THOMAS YEARS S/O LATE THOMMAN ,MANKUDIYIL HOUSE, KALLOORKADU KARA, KALLOORKADU VILLAGE, MUVATUPUZHA TALUK ,ERNAKULUM DISTRICT, PIN - 6 THRESSIA W/O LATE VARKEY , MANKUDIYIL HOUSE, KALLOORKADU KARA, KALLOORKADU VILLAGE, TMUVATUPUZHA TALUK , ERNAKULUM DISTRICT. (DIED ON 22/3/2015 )(LRS ARE R7 AND R8), PIN - 686668 7 BAIJU VILLAGE, TMUVATUPUZHA TALUK ,ERNAKULUM DISTRICT., 8 BINDU VILLAGE, MUVATUPUZHA TALUK, ERNAKULUM DISTRICT,

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:  
Dated this the 31st day of May, 2024

## **JUDGMENT**

This Original Petition has been filed for expeditious disposal of F.D.A. No.130/2020 in O.S. No.299/2013 pending on the files of the Munsiff Court, Muvattupuzha. I have called for a report from the learned Munsiff, who reported that the final decree application could be disposed of within a period of six months. Hence, this Original Petition is disposed of with a direction to the learned Munsiff to dispose of F.D.A. No.130/2020 in O.S. No.299/2013 pending on the files of the Munsiff Court, Muvattupuzha within a period of six months, from the date of receipt of a copy of this judgment. Sd/- DR. KAUSER EDAPPAGATH JUDGE BR  
APPENDIX OF OP(C) 120/2024 PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE PRELIMINARY DECREE PASSED IN O S 299/2013 DATED

14/11/2018 OF MUNSIFFS COURT MUVATUPUZHA Exhibit P2 TRUE COPY OF THE F D A NO 130 /2020 IN O S 299/2013 OF MUNSIFFS COURT MUVATUPUZHA, DATED 2/12/2020 Exhibit P3 TRUE COPY OF THE EXTRACT OF CASE STATUS HISTORY OF FDA NO. 130/2020 IN O S DOWNLOADED FROM E-COURTS Exhibit P4 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED TO THE PETITIONER DATED RESPONDENTS EXHIBITS: NIL

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