

Vasanthakumari vs Ajithkumar

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Court : Kerala

Decided On : Apr-01-2024

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(C)/810/2024

Appellant : Vasanthakumari

Respondent : Ajithkumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946
OP(C) NO. 810 OF 2024 AGAINST THE ORDER/JUDGMENT DATED
16.01.2024 IN OS NO.41 OF 2024 OF I ADDITIONAL MUNSIFF COURT
, NEYYATTINKARA PETITIONERS/RESPONDENTS/DEFENDANTS: 1
VASANTHAKUMARI AGED 70 YEARS, W/O . RAVEENDRAN,
THIRUVANANTHAPURAM, PIN - 695132 2 RAVEENDRAN AGED 72
YEARS, S/O GOPALAN, THIRUVANANTHAPURAM, PIN - 695133 BY
ADV G.S.REGHUNATH RESPONDENT/PETITIONER/PLAINTIFF:
AJITHKUMAR AGED 56 YEARS, S/O VASUDEVAPANKKER,
KUMARESA VILASOM , CHENKAL PO, NEYYATTINKARA,

THIRUVANANTHAPURAM, PIN - 695132 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

Heard the learned counsel for the original petitioners. The limited prayer in this original petition is to give a direction to the Additional Munsiff Court, Neyyattinkara to hear and dispose of Ext.P2 injunction application on merits.

2. The petitioners are the defendants and the respondent is the plaintiff in O.S.No.41/2024 on the file of the Additional Munsiff Court,

Neyyattinkara. The respondent has obtained Ext.P3 ex-parte injunction order

under Order 39 Rule 1 of CPC against the petitioners. The grievance of the petitioners is that, even though they filed an objection to the injunction application and pressed for a hearing, the learned Munsiff simply denied the same. It is in these circumstances, the petitioners have approached this Court.

3. Having heard the learned counsel for the petitioners and

considering the fact that the petitioners have suffered an ex parte injunction order, the Additional Munsiff Court, Neyyattinkara is directed to dispose of Ext.P2 injunction application as expeditiously as possible, after hearing both sides, in accordance with law. The O.P.(C) is disposed of as above. Sd/- DR. KAUSER EDAPPAGATH JUDGE APA ..3.. APPENDIX OF OP(C) 810/2024 PETITIONER EXHIBITS

EXHIBIT P1 A TRUE COPY OF PLAINT 4. O.S NO.41/2024 BEFORE EXH

2024 IA.1/2024 IN O.S NO.41/2024 BEFORE THE EXHIBIT P4 A TRUE COPY OF THE OBJECTION TO I.A NO. 1/2024 IN O.S NO.41/2024 BEFORE THE MUNSIFF COURT, EXHIBIT P5 A TRUE COPY OF THE PETITION FOR VACATING THE EXPARTE ORDER IA.6/2024 IN O.S NO.41/2024 BEFORE

EXHIBIT P6 A PETITION TO ADVANCE THE POSTING OF THE CASE IS ALSO FILED ON 26.02.2024. A TRUE COPY ADVANCE PETITION IA.5/2024 IN O.S NO.41/2024 BEFORE THE

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