

Pathumma vs Sakkeena

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/287/2023

Appellant : Pathumma

Respondent : Sakkeena

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY,
THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944
AGAINST THE ORDER/JUDGMENT IN AS 1/2023 OF SUB COURT /
COMMERCIAL COURT, MANJERI PETITIONER/S: PATHUMMA AGED
77 YEARS M/O SHAJAHAN, PUTHENVEETIL, KALLUMKAL COLONY,
KANJIRAPALLY P.O., KANJIRAPALLY, KOTTAYAM, KERALA, PIN -
686507 BY ADV A.ARUNA RESPONDENT/S: 1 SAKKEENA AGED 52
YEARS D/O PERINKODANPALLITHODI KUNHIMUHAMMED, W/O
KADUVAKKANCHERI DECEASED BAPUTTY, KURAVAMBALAM
AMSOM DESOM,VALAPURAM P.O.,PERINTHALMANNA,
MALAPPURAM,, PIN - 679323 2 MOIDEEN AGED 47 YEARS 3

SUBAIR AGED 43 YEARS 4 SULAIMAN AGED 40 YEARS 5 NOUSHAD AGED 30 YEARS AMSOM, KULATHUR DESOM, PERINTHALMANNA, MALAPPURAM,, 6 KOMUKKUTTY AGED 43 YEARS 7 SIDDEEQUE AGED 36 YEARS S/O LATE KADUVAKKANHERI HAMZA, KARINKAPPARA AMSOM, TIRUR, MALAPPURAM,, PIN - 676508 THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The original petition is filed, inter alia, to direct the Court of the Subordinate Judge, Manjeri to consider and dispose of A.S.No.1/2023 within a reasonable time period.

2. Pursuant to the order dated 03.02.2023 passed by

this Court, the learned Subordinate Judge, Manjeri, by communication dated 04.02.2023, has informed this Court that AS No.1/2023 was originally filed before the Court of the Additional District Judge-II, Manjeri as A.S.No.33/2017. Thereafter, the appeal was transferred to the present Court on 31.01.2023. The appeal had come for consideration on 31.01.2023 and has adjourned to 28.03.2023. The court below requires one month's time to dispose of the appeal.

3. Heard; Smt.A. Aruna, the learned Counsel

appearing for the petitioner. Even though notice has been served on the learned Counsel for the respondents before the court below, there is no appearance for them. In the light of the pleadings and the materials on record and after perusing the communication of the learned Subordinate Judge, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the Subordinate Judge, Manjeri to consider and dispose of A.S.No.1/2023 (formerly numbered as A.S.No.33/2017) in accordance with law, as expeditiously as possible, at any rate on or before 13.04.2023. The original petition is ordered accordingly. Sd/- C.S.DIAS JUDGE rkc/28.02.23 APPENDIX OF OP(C) 287/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE MEMORANDUM OF OS NO. COURT, PERINTHALMANNA Exhibit P2 TRUE

COPY OF THE JUDGMENT DATED 09.01.2017 IN OS 61/2017 PASSED BY THE MUNSIFF COURT, PERINTHALMANNA Exhibit P3 TRUE COPY OF THE MEMORANDUM IN AS33/2017 FILED BEFORE THE HON'BLE DISTRICT COURT, MANJERI Exhibit P4 TRUE COPY OF THE PROCEEDINGS DATED 29.11.2017 IN AS 33/2017 HON'BLE DISTRICT COURT DOWNLOADED FROM THE E-COURT WEBSITE Exhibit P5 TRUE COPY OF THE PROCEEDINGS DATED

03.01.2013 IN AS 33/2017 BEFORE THE HON'BLE DISTRICT COURT, MANJERI DOWNLOADED FROM THE E-COURT WEBSITE Exhibit P6 TRUE COPY OF THE PROCEEDINGS DATED HON'BLE SUB COURT , MANJERI DOWNLOADED FROM THE E-COURT WEBSITE Exhibit P7 TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER BEARING NO. 250595136138

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