

Prasannakumari vs Jasmine

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Court : Kerala

Decided On : Nov-28-2023

Judge : Honourable Mr.Justice C. Jayachandran

Appeal No. : OP(C)/2604/2023

Appellant : Prasannakumari

Respondent : Jasmine

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN TUESDAY, THE 28TH DAY OF NOVEMBER 2023 / 7TH AGRAHAYANA, 1945 OP(C) NO. 2604 OF 2023 AGAINST OS 328/2022 OF MUNSIF COURT, PERUMBAVOOR PETITIONERS/PLAINTIFFS: 1 PRASANNAKUMARI AGED 54 YEARS 2 AJITHKUMAR AGED 58 YEARS BY ADVS. A.G.ANEETHA M.KABANI DINESH C.ANCHALA RESPONDENTS/DEFENDANTS:

1 JASMINE AGED 43 YEARS PALLIKKARAN HOUSE, AIMURY KARA, KOOVAPPADY P.O., KOOVAPPADY VILLAGE, KUNNATHUNADU TALUK., PIN - 683543 2 JINCY AGED 39 YEARS KAROTTUVEETIL HOUSE, MATTATHIPEEDIKA, ELAMBRA KARA, NELLIKUZHAY P.O.,

IRAMALLOOR VILLAGE, KOTHAMANGALAM TALUK, PIN - 686691 3
SEENA AGED 36 YEARS PARAPPURATH HOUSE, AYYATHUPADY,
KOOVAPPADY P.O., KOOVAPPADY VILLAGE, KUNNATHUNAD
TALUK, PIN - 683543 4 TEENA AGED 34 YEARS
PANTHAPPATTUCHIRA P.O., CHENNAMKARY, KAINAKARY
PANCHAYAT, PANTHAPPATTUCHIRA KARA. CHENNAMKARY
VILLAGE, KUTTANADU TALUK, PIN - 688501 THIS OP (CIVIL)
HAVING COME UP FOR ADMISSION ON 28.11.2023,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

J U D G M E N T

Dated this the 28th day of November, 2023 The petitioners herein are the plaintiffs in O.S.No.328/2022 of the Munsiff Court, Perumbavoor. The petitioners seek early disposal of the said suit.

2. An order in the lines sought for in this

Original Petition will frustrate the legitimate expectations of other litigants, who are waiting in the queue for adjudication of cases filed earlier. A direction to consider and dispose of a suit of the year 2022, out of the turn, is not in the interest of justice. Recently in Shaik Uzma Feroz Hussain v. The State of Maharashtra [W.P. (CrI)No.587/2023], the hon'ble Supreme Court deprecated the practice of issuing directions to sub-ordinate courts, for speedy disposal of ..3.. matters, out of the turn. This Original Petition will therefore stand dismissed.

3. However, this Court takes note of the specific

contention of the learned counsel for the petitioners that, de hors the expiry of an year, the written statement has not been filed and the court below is granting time indiscreetly for the said purpose. This Court is of the view that the grievance of the petitioners will be properly addressed by the learned Munsiff, in accordance with law. Besides, the petitioners are also given the liberty to approach the learned Munsiff by filing necessary application espousing their urgency, if any. Such application if any filed, will be considered in accordance with law, based on the

genuineness and bonafides of the petitioners. Sd/- C. JAYACHANDRAN JUDGE
TR ..4.. APPENDIX OF OP(C) 2604/2023 PETITIONER EXHIBITS Exhibit P1 A
TRUE COPY OF THE RESURVEY PLAN PREPARED IN ACCORDANCE WITH
THE ABOVE PRELIMINARY DECREE IN O.S. NO. 201/2007 Exhibit P2 A COPY
OF THE MEDICAL CERTIFICATE ISSUED FROM AN ACCREDITED
AYURVEDA HOSPITAL. Exhibit P3 A COPY OF THE PLAINT IN O.S. NO.
MUNSIFF COURT, PERUMBAVOOR Exhibit P4 A COPY OF ADVOCATES
COMMISSIONERS REPORT WITH SKETCH

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