

Vikas Vijayan vs Rajan

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Court : Kerala Orders

Decided On : Jul-24-2023

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : Tr.P(C)/817/2022

Appellant : Vikas Vijayan

Respondent : RAJAN

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN MONDAY, THE 24TH DAY OF JULY 2023 / 2ND SRAVANA, 1945 TR.P(C) NO. 817 OF 2022 (IN THE MATTER OF CMA 147/2022 OF DISTRICT COURT, THIRUVANANTHAPURAM PETITIONERS/APPELLANTS IN CMA: 1 VIKAS VIJAYAN S/o.VIJAYAN, THIRUVATHIRA, KULATHOOR DESOM, ATTIPRA VILLAGE, THIRUVANANTHAPURAM, RESIDING AT FLAT 16B, BUILDING CHERRY, SFS CYBERPALMS, KARIMANAL, THIRUVANANTHAPURAM - 2 JAYALAKSHMI R.B. D/O RAJAN BABU, THIRUVATHIRA, KULATHOOR DESOM, ATTIPRA VILLAGE, THIRUVANANTHAPURAM, RESIDING AT FLAT 16B, BUILDING CHERRY, SFS CYBERPALMS, KARIMANAL, THIRUVANANTHAPURAM - 695583 BY ADVS. P.M.MOHAMMED SHIRAZ

AMJATHA D.A. RESPONDENTS/RESPONDENTS IN CMA: 1 RAJAN S/O KOCHU GOVINDAN, RAGI BHAVAN, CHATHAVILA, PATTUVILAKATHU MURI, AYIROORPARA VILLAGE, KATTAYIKONAM P.O., THIRUVANANTHAPURAM - 695584 2 AJITHA D/O JANAMMA, DAS BHAVAN, CHATHAVILA, PATTUVILAKATHU MURI, AYIROORPARA VILLAGE, KATTAYIKONAM P.O., THIRUVANANTHAPURAM - 695584. 3 SHAJEER @ SAJIR S/O UMMER PILLAI, KARIKETHIL VEEDU, KADINAKULAM P.O., THIRUVANANTHAPURAM - 695303 TR.P(C) NO. 817 OF 2022 2 THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: TR.P(C) NO. 817 OF 2022 3

ORDER

An appeal pending before the first appellate court against the interim order sought to be transferred to this Court, wherein a second appeal is pending consideration. No such transfer can be allowed, since the jurisdiction to be exercised by this Court is that of a court of second appeal and what is pending before the District Court is a

matter of first appeal, that too, against the order

passed in an interlocutory application. Hence, this Tr.P(C) will stand dismissed. Sd/- P.SOMARAJAN JUDGE LEK TR.P(C) NO. 817 OF 2022 4 APPENDIX OF TR.P(C) 817/2022 PETITIONER ANNEXURES Annexure -A1 TRUE COPY OF CMA 147/2022 OF DISTRICT COURT, THIRUVANANTHAPURAM

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