

Prasanna vs C.K. Dharmadas

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Court : Kerala Orders

Decided On : Mar-31-2022

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : OP (RC)/81/2022

Appellant : Prasanna

Respondent : C.K. Dharmadas

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944 AGAINST THE ORDER DATED 17.03.2022 IN E.P.NO.29 OF 2012 IN R.C.P.NO.65 OF 2011 ON THE FILE OF THE MUNSIF COURT, VATAKARA PETITIONER/ADDITIONAL 3RD RESPONDENT IN EP: PRASANNA, AGED 70 YEARS WIFE OF LATE C.K. RAJAGOPALAN, KRISHNAKRIPA, TRAINING SCHOOL, NADAKKUTHAZHA, VATAKARA, KOZHIKODE, PIN - 673104

BY ADVS.R.PARTHASARATHY B.KRISHNAN
RESPONDENTS/PETITIONER, 2ND RESPONDENT & ADDITIONAL
RESPONDENTS 4 TO 7 IN EP: 1 C.K. DHARMADAS, AGED 66
YEARS, S/O. KRISHNAN, SAI KRISHNA VEEDU, PONNIAMPARA
ROAD, PALLIKUNNU, KANNUR DISTRICT, PIN - 670001 2
KUNNUMMAL MOHANAN, AGED 65 YEARS, S/O.NANU,
KUNNUMMAL VEEDU, NEAR KEERTHI TALKIES, VATAKARA
AMSOM, DESOM, VATAKARA TALUK, KOZHIKODE DISTRICT, PIN -
673101

3 SAHINA C.K, AGED 46 YEARS, D/O.LATE C.K. NADAKKUTHAZHA,
VATAKARA, KOZHIKODE,PIN - 673104 4 SILNA C.K, AGED 45
YEARS, D/O. LATE C.K. NADAKKUTHAZHA, VATAKARA,
KOZHIKODE,PIN - 673104 -2- 5 JISHNA C.K, AGED 41 YEARS,
D/O.LATE C.K. NADAKKUTHAZHA, VATAKARA, KOZHIKODE, PIN -
673104 6 JIGNESH C.K , AGED 34 YEARS, S/O.LATE C.K.
NADAKKUTHAZHA, VATAKARA, KOZHIKODE, PIN - 673104 THIS OP
(RENT CONTROL) HAVING COME UP FOR ADMISSION ON
31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: -3-

JUDGMENT

Anil K. Narendran, J.

The petitioner, who is the judgment debtor in E.P.No.29 of 2012 in R.C.P.No.65 of 2011 on the file of the Munsiff's Court, Vatakara, which is one filed by the 1st respondent herein, has filed this original petition invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, seeking an order to set aside Ext.P1 order dated 17.03.2022 of the Execution Court in E.P.No.29 of 2012 in R.C.P.No.65 of 2011 and to restore the possession of the petition schedule shop room to the petitioner.

2. After arguing for sometime, the learned counsel

for the petitioner seeks permission to withdraw this original petition, without prejudice to the legal and factual contentions raised, on account of pendency of S.L.P. (C)No.5141 of 2022 before the Apex Court. Based on the above submission made by the learned counsel for the petitioner, this original petition is dismissed - 4- as withdrawn, leaving open legal and factual contentions raised by the petitioner. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE AV/2/4 -5- APPENDIX OF OP (RC) 81/2022 PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF THE ORDER IN EXECUTION PETITION 29/2019 BEFORE MUNSIFF COURT, VATAKARA, DATED 17.03.2022 Exhibit-P2 TRUE COPY OF THE ORDER IN R.C.REV. 07-03-2022. Exhibit-P3 TRUE COPY OF THE ORDER IN R.C.A. CONTROL APPELLATE AUTHORITY. Exhibit-P4 TRUE COPY OF THE ORDER IN R.C.P. CONTROL COURT.

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