

Poly vs Sidharthan

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Court : Kerala

Decided On : Aug-30-2022

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : OP(C)/1609/2022

Appellant : POLY

Respondent : Sidharthan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY, THE 30TH DAY OF AUGUST 2022 / 8TH BHADRA, 1944 OP(C) NO. 1609 OF 2022 IA NOS.9 & 10/2021IN O.S. NO.4011/2017 OF PRINCIPAL MUNSIF COURT,THRISSUR PETITIONER: POLY AGED 59 YEARS SON OF CHIRAYATH GEORGE, WESTERN BAZAR, ARANATTUKARA VILLAGE, DESOM, P.O. ARANATTUKARA S.O., THRISSUR TALUK, PIN - 680618 BY ADVS. N.M.MADHU C.S.RAJANI RESPONDENTS: 1 SIDHARTHAN S/O OF KOPRA KUNJIMON, MANATHALA VILLAGE, DESOM, 2 BOBAN AGED 64 YEARS SON OF CHAKKALAKKAL JOSE, PALAKKAL DESOM, PALISSERY VILLAGE, P.O. PALISSERY, THRISSUR TALUK, PIN - 680027 3 SINDHU

SIDHARTHAN WIFE OF KOPRA SIDHARTHAN, MANATHALA VILLAGE, DESOM, BY ADV RAJIT THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(C) NO. 1609 OF 2022 2
Dated this the 30st day of August, 2022

JUDGMENT

The original petition is filed to direct the Court of the Principal Munsiff, Thrissur, to consider and dispose of I.A.Nos.9&10 of 2021 in O.S. No.4011/2017 within a time frame.

2. Pursuant to the order dated 25.08.2022 passed by this Court, the learned Munsiff, Thirssur, by communication dated 27.08.2022, has informed this Court that the applications are filed to set aside the ex parte decree and to condone the delay. Notices have been issued to the respondents to appear through their counsel. The cases stands posted for evidence to 04.11.2022. The court below would make every endeavour to dispose of the applications within three months.

3. Heard; Sri.N.M.Madhu, the learned the counsel appearing for the petitioner and Sri.Rajith, the learned counsel appearing for the first respondent OP(C) NO. 1609 OF 2022 3

4. In the light of the pleadings and materials on

record and particularly considering the fact that the applications are filed only for setting aside the ex parte decree and to condone the delay, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the Munsiff, Thrissur, to consider and dispose of I.A.Nos.9 & 10 of 2021 in O.S. No.4011/2017, in accordance with law, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

The original petition is ordered accordingly. Sd/- C.S.DIAS, JUDGE
rmm30/08/2022 OP(C) NO. 1609 OF 2022 4 APPENDIX OF OP(C) 1609/2022
PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXECUTION

APPLICATION DATED 01.12.2020 IN E.A. NO. 1632/2020 IN E.P. NO. 1281/2020 IN O.S. NO.4011/2017 ON THE FILES OF THE PRINCIPAL MUNSIF COURT, THRISSUR

Exhibit P2 TRUE COPY OF THE ORDER DATED 18.12.2020 IN I.A. NO.6/2020 IN O.S. NO. 4011/2017 PASSED BY THE PRINCIPAL MUNSIF COURT, THRISSUR Exhibit P3 TRUE COPY OF THE APPLICATION DATED 15.07.2021 IN I.A. NO. 10/2021 IN O.S. Exhibit P4 TRUE COPY OF THE APPLICATION DATED 15.07.2021 IN I.A. NO. 9/2021 IN O.S. Exhibit P5 TRUE COPY OF THE COUNTER AFFIDAVIT DATED EXT.P3 Exhibit P6 TRUE COPY OF THE COUNTER AFFIDAVIT DATED EXT.P4

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