

Ani vs Ajeeshkumar

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Court : Kerala

Decided On : May-19-2021

Judge : Honourable Mr. Justice Anil K.Narendran

Appeal No. : OP(C)/856/2021

Appellant : ANI

Respondent : Ajeeshkumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
WEDNESDAY, THE 19TH DAY OF MAY 2021 / 29TH VAISAKHA, 1943
PETITIONERS: ANI, AGED 50 YEARS, 1. MOHANAN, AGED 52 YEARS, 2.
VASANTHA, AGED 66 YEARS, 3. MANIYAN, AGED 64 YEARS, 4.
THANKAMANI, AGED 61 YEARS, 5. RADHA, AGED 58 YEARS, 6.
SUNDARESAN, AGED 56 YEARS, S/O. LATE VELAYUDHAN,

7. T.C.NO.10/1906, PUTHUVAL VEEDU, MANCHADIMOODU,
VATTIYOORKAVU, THIRUVANANTHAPURAM-695 013. SIVAN, AGED 55
YEARS, 8. BY ADV.SRI. M.R.SARIN RESPONDENTS: AJEESHKUMAR

1. S/O.KARUNAKARAN NAIR, ASHA NIKETHAN, KAVALLLOOR LANE, ASWINKUMAR,
2. S/O.KARUNAKARAN NAIR, ASHA NIKETHAN, KAVALLLOOR LANE, ASHA MENON,
3. D/O.LALITHAMBIKA BHAI, ASHA NIKETHAN, KAVALLLOOR LANE, THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGEMENT

The petitioners, who are the defendants in O.S.No.1568 of 2014, filed by respondents 1 to 3, on the file of the 1st Additional Munsiff's Court, Thiruvananthapuram, have filed this original petition under Article 227 of the Constitution of India, seeking an

order directing the 1st Additional Munsiff's Court,

Thiruvananthapuram to dispose of I.A.No.1 of 2021 in O.S.No.1568 of 2014. The petitioners have also sought for an order directing the said court to stay all further proceedings in that suit till then.

2. On 07.04.2021, when this original petition came up for

admission, Registry was directed to call for a report from the 1st Additional Munsiff's Court, Thiruvananthapuram as to the present status of O.S.No.1568 of 2014 and the time frame within which I.A.No.1 of 2021 in O.S.No.1568 of 2014 could be finally disposed of.

3. Pursuant to the aforesaid order, the 1st Additional Munsiff,

Thiruvananthapuram has forwarded a report dated 06.05.2021 to the Registrar (Judicial), wherein it is stated that trial of the suit is not yet commenced as the defendants filed I.A.No.1 of 2021. Now the case stands posted to 26.05.2021 for consideration of I.A.No.1 of 2021 and that, two months time is required for

disposal.

4. Heard the learned counsel for the petitioners. Considering the nature of relief proposed to be granted in this original petition, service of notice on the respondents is dispensed with.

5. Though it is alleged in the original petition that the 1 st

Additional Munsiff's Court, Thiruvananthapuram has listed O.S.No.1568 of 2014 for trial, without considering I.A.No.1 of 2021 filed by the petitioners pointing out the bar of jurisdiction under Section 125 of the Kerala Land Reforms Act, 1963, as discernible from the report dated 06.05.2021, O.S.No.1568 of 2014 is yet to be listed for trial on account of pendency of the said interlocutory application.

In such circumstances, this original petition is disposed of by directing the 1st Additional Munsiff's Court, Thiruvananthapuram to take an appropriate decision on I.A.No.1 of 2021 in O.S.No.1568 of 2014, as expeditiously as possible, subject to Covid-19 restrictions. Sd/- ANIL K.NARENDRAN JUDGE AV/19/5 APPENDIX

PETITIONERS' EXHIBITS : EXHIBIT P1 - THE COPY OF DEED NO.5857 OF 1119 ME OF CHALAI SUB REGISTRAR OFFICE. EXHIBIT P2 - THE COPY OF JUDGMENT IN OS NO.992/2002 OF THE 111RD ADDITIONAL MUNSIFF, THIRUVANANTHAPURAM. EXHIBIT P3 - THE COPY OF THE PLAINT IN OS NO.1568/2014 1ST ADDITIONAL MUNSIFF, THIRUVANANTHAPURAM. EXHIBIT P4 - THE TRUE COPY OF THE JUDGMENT IN WPC 11541/2018 ON THE FILE OF THIS HON'BLE HIGH COURT. EXHIBIT P5 - THE COPY OF THE IA NO.1/2021 IN OS NO.1568/2014 PENDING BEFORE THE 1ST ADDITIONAL MUNSIFF, THIRUVANANTHAPURAM.

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