

Sameena vs Faisy

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Court : Kerala

Decided On : Oct-29-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : OP(C)/1343/2021

Appellant : Sameena

Respondent : FAISY

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 29TH DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943 OP(C) NO. 1343 OF 2021 OS 497/2017 OF MUNSIFF COURT,VARKALA, THIRUVANANTHAPURAM PETITIONER/S:

1 SAMEENA AGED 43 YEARS W/O.LATE FAMI, FAJITHA MANZIL, 2 FAYAS FAMI, AGED 22 YEARS 3 DALEEDH FAMI, AGED 17 YEARS, S/O.LATE FAMI, FAJITHA MANZIL, VETTAKADA PADINJARE POTTUMANIZHATH, EDAMA VILLAGE, THIRUVANANTHAPURAM DISTRICT - 695141 4 NAIF FAMI, AGED 12 YEARS (PETITIONERS 3 & 4 ARE MINORS AND THEY ARE REPRESENTED BY THEIR MOTHER

AND NATURAL GUARDIAN SAMEENA, FAJITHA MANZIL, VETTAKADA PADINJARE POTTUMANIZHATH, EDAMA VILLAGE, THIRUVANANTHAPURAM DISTRICT-695141, THE 1ST PETITIONER HEREIN). BY ADV J.JAYAKUMAR

RESPONDENT/S: FAISY S/O.ABDUL HAMEED, KURESHI MANZIL, EDAVAPPARA, THIRUVANANTHAPURAM, PIN-695311. THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Dated this the 29th day of October, 2021 The limited relief sought in the original petition is for expeditious disposal of O.S.No.497 of 2017 pending on the files of the Munsiff's Court, Varkala. The suit is filed by the respondent for fixation of boundaries and consequential injunction. The first petitioner's dire need to sell the disputed property for raising funds, is the reason for seeking expeditious disposal.

2. Despite service of notice, there is no appearance for the respondents.

3. In the report called for, the learned Munsiff has stated that he took charge of the court only on 30.06.2021. Thereafter, many among the court staff tested Covid positive, resulting -3- in the functioning of the court being severely effected. It is stated that all efforts will be taken to dispose the suit within 11 months.

Having heard the learned Counsel and having considered the report, the original petition is disposed of directing the learned Munsiff to decide O.S.No.497 of 2017 within an outer limit of ten months of receipt of a copy of this

judgment.

Sd/- V.G.ARUN JUDGE ScI/29.10. -4- APPENDIX PETITIONER'S EXHIBITS P1: TRUE COPY OF THE PLAINT IN O.S.No.497/2017 FILED BY THE RESPONDENT BEFORE THE MUNSIFF COURT, VARKALA.

P2: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONERS IN O.S.No.497/2017 ON THE FILES OF MUNSIFF'S COURT, VARKALA. P3: TRUE COPY OF THE DEATH CERTIFICATE OF THE 1ST PETITIONER'S HUSBAND ISSUED FROM SAUDI EMBASSY. P4: TRUE COPY OF THE PLAINT IN O.S.NO.185/2018 FILED BY THE PETITIONERS BEFORE MUNSIFF COURT, VARKALA. P5: TRUE COPY THE PROCEEDING SHEET IN O.S.NO.497/2017 ON THE FILE OF MUNSIFF COURT, VARKALA

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