

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 28TH DAY OF MARCH 2018 / 7TH CHAITHRA, 1940

OP(C) .No. 900 of 2018

PETITIONER:

BABU,
S/O.CHELLAPPAN, AGED 61 YEARS, PLAVILAMURUGAVIALSAM
VEEDU, PONNUMANGALAM, UPANNIYOOR DESAM, NEMOM
VILLAGE, NOW RESIDING AT MANAKATTU VEEDU, VADAKEVILA,
KADINAMKULAM VILLAGE, PUTHUKURUCHI P.O., CHIRAYINKEEZHU
TALUK, THIRUVANANTHAPURAM.

BY ADVS.SRI.E.N.VISHNU NAMBOODIRI
SRI.P.P.NARAYANAN
SRI.K.RADHAKRISHNA PANICKER
SRI.M.RAJAN
SRI.P.REJINARK
SRI.M.K.SASEENDRAN (MELEL)
SRI.VINOD RAJKUMAR

RESPONDENTS:

1. KUMARI AJITHA,
AGED ABOUT 54 YEARS, PLAVILA MURUGAVILASAM, NEMOM
VILLAGE, THIRUVANANTHAPURAM TALUK, NOW RESIDING AT
SOPANAM, HOUSE NO.14, MEPOOKADA, MALAYINKEEZHU P.O.,
THIRUVANANTHAPURAM, PIN-695 575.
2. MANOHARAN, AGED 61 YEARS, S/O.KAMALASANA PANIKER,
KUNNILKADAVIL VEEDU, MANUKULACHICHAMANGALAM DESAM,
EDAGRAMOM, MEMOM VILLAGE, THIRUVANANTHAPURAM TALUK,
NOW RESIDING AT MARVEL F-95 A KALADY, KARAMANA P.O.,
THIRUVANANTHAPURAM, PIN-695 002.
3. GEETHAKUMAR, MURUGAVILSAM, PONNUMANGALAM, NEMOM,
THIRUVANANTHAPURAM, NOW RESIDING AT MARVEL F-95 A
KALADY, KARAMANA P.O.,
THIRUVANANTHAPURAM, PIN-695 002.
4. SOMASUNDHARAN, AGED ABOUT 61 YEARS, KODIYIL VEEDU,
PATIAKALA DESAM,
THIRUVANANTHAPURAM DISTRICT, PIN-695 002.
5. VISHWAKUMAR, MURUGAVILSAM, PONNUMANGALAM, NEMOM,
THIRUVANANTHAPURAM, NOW RESIDING AT SANDHYA NIVAS,
MARKET ROAD VAVARAMBALAM, POTHENCODE P.O., PIN-695 584.

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6. THAJUDEEN,
S/O.ALIYARKUNJU, TC 1/826 (0/1484) VATTAVILA VEEDU, HOMEIO
COLLEGE JUNCTION, VELLAYANI, NEMOM P.O., NEMOM VILLAGE,
THIRUVANANTHAPURAM TALUK, PIN-695 020.
 7. THULASEEDHARAN,
S/O.NADARAJAN, PLAVILAVEEDU, 2/406(0/1179) POTTAVILA, OLD
KARAKKAMANDAPAM, NEMOM
VILLAGE,THIRUVANANTHAPURAM-695 020.
 8. SHIVADASAN,
PLAVILAPUTHEN VEEDU, POTTAVILA OLD KARAKKAMANDAPAM,
NEMOM VILLAGE,THIRUVANANTHAPURAM, PIN-695 002.
 9. SHABEER, AGED 35, S/O.ISMAIL POTTAYIL HOUSE,
OLD KARAKKAMANDAPAM, NEMOM
VILLAGE,THIRUVANANTHAPURAM, PIN-695 002.
 10. FRAHUDEEN MUZAFIR ARIF, AGED 35 YEARS,
POTTAYIL HOUSE, TC 53/1225,
OLD KARAKKAMANDAPAM, NEMOM
VILLAGE,THIRUVANANTHAPURAM, PIN-695 002.
 11. JETHU K.B.,
MURUGAVILSAM, NEMOM P.O.,THIRUVANANTHAPURAM,
PIN-695 020.
 12. FARSANA F.F., (MINOR), AGED 15 YEARS,
REPRESENTED BY HER MOTHER FATHIMA, TC 52/1335(2) BISMII
HOUSE, POTTAVILAYIL, OLD KARAKKAMANDAPAM, UPANNIYOOR
DESAM,THIRUVANANTHAPURAM, PIN-695 020.
 13. SHEEBA, W/O.SEITH TC 53.1369,
NATTUKALLUMOODU, NEMOM VILLAGE,THIRUVANANTHAPURAM,
PIN-695 020.
 14. SEITH K.,
S/O.MUHAMMED KASIM,TC 53.1369,
NATTUKALLUMOODU, NEMOM VILLAGE,THIRUVANANTHAPURAM,
PIN-695 020.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-03-2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 900 of 2018 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF DOCUMENT NO.103/1989 OF NEMOM SRO.

EXHIBIT P2 TRUE COPY OF DOCUMENT NO.110/1991 OF NEMOM SRO.

EXHIBIT P3 TRUE COPY OF PLAINT IN O.S.NO.927/2017 DATED
20-06-2017 FILED BEFORE MUSIFF COURT,
THIRUVANANTHAPURAM.

EXHIBIT P4 TRUE COPY OF IA NO.3704/2017 DATED 20-06-2017 FILED
BEFORE MUNSIF COURT, THIRUVANANTHAPURAM.

EXHIBIT P5 TRUE COPY OF INJUNCTION WARRANT DATED 22-06-2017
OF MUSIFF COURT, THIRUVANANTHAPURAM.

EXHIBIT P6 TRUE COPY OF IA NO.871/2018 DATED 27-01-2018 FILED
BEFORE MUNSIF COURT, THIRUVANANTHAPURAM.

EXHIBIT P7 TRUE COPY OF PLAINT IN OS NO.173/2018 DATED
22-01-2018 FILED BEFORE MUNSIF COURT,
THIRUVANANTHAPURAM.

EXHIBIT P8 TRUE COPY OF IA NO.1122/2018 DATED 05-02-2018 FILED
BEFORE MUNSIF COURT, THIRUVANANTHAPURAM.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K. HARILAL, J.

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O.P.(C)No.900 of 2018(0)

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Dated this the 28th day of March, 2018

J U D G M E N T

Aggrieved by the delay in disposing Ext.P6 application to implead respondent Nos.12 to 14 in Ext.P3 proceedings and Ext.P8 temporary injunction application in Ext.P7 proceedings, the petitioner approached this Court invoking writ jurisdiction under Article 227 of the Constitution of India, seeking a direction to dispose Exts.P6 and P8, within a time frame.

2. Having regard to the injury and hardship that may be caused to the petitioner, by the delay in disposal of Exts.P6 and P8, this Court is inclined to interfere with the proceedings of the court below, invoking writ jurisdiction. Consequently, the court below is directed to consider and pass final orders on Exts. P6 and P8,

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at the earliest, at any rate, within a period of three months from today.

This Original Petition is disposed of accordingly.

Sd/-

K. HARILAL, JUDGE

DST

//True copy//

P.A. To Judge