
(2022) 12 KL CK 0131

High Court Of Kerala

Case No: Original Petition (C) No. 2153 Of 2022

Binoj

APPELLANT

Vs

Viswanathan

RESPONDENT

Date of Decision: Dec. 12, 2022

Acts Referred:

- Constitution of India, 1950 - Article 227

Hon'ble Judges: C.S.Dias, J

Bench: Single Bench

Advocate: G.Sreekumar

Final Decision: Disposed Of

Judgement

C.S.Dias, J

1. The original petition is filed to direct the Court of Ist Additional Munsiff, Thrissur, to consider and dispose of I.A.No.9/2022 in I.A.No.16635/2016 in

O.S.No.251/2014 (Ext P11) within a time frame and until such time, to defer the trial in O.S.No.251/2014 of the same court.

2. Pursuant to the order dated 03.11.2022 passed by this Court, the learned Ist Additional Munsiff, Thrissur, by communication dated 05.11.2022, has

informed this Court that I.A.No.9/2022 is filed by the defendant in the suit to remit the commission report. The suit was filed for fixation of boundary

and was posted for trial on 05.11.2022. This Court has already directed the suit to be disposed of within a time frame. Commission report in the case

was filed on 21.10.2022 and was adjourned for the objection in the commission report. The defendant has not filed any objection to the report.

Thereafter, the case was listed for trial. Even though I.A.No.9/2022 was filed on 29.10.2022, the same was sent to the Bench belatedly. The court

below would require 30 daysâ€™ time to dispose of the application.

3. Heard; Sri. G.Sreekumar (Chelur), the learned counsel appearing for the petitioners. Even though notice of the original petition has been served on

the learned counsel appearing for the respondent before the court below, there is no appearance for him.

In the light of the pleadings and materials on record and after perusing the communication of the learned Munsiff, in exercise of the supervisory

powers of this Court under Article 227 of the Constitution of India, I direct the Court of the 1st Additional Munsiff, Thrissur, to consider and dispose of

I.A.No.9/2022 in I.A.No.16635/2016 in O.S.No.251/2014, as expeditiously as possible and in accordance with law, at any rate, within a period of 30

days from 07.11.2022, as sought for in the communication.

The original petition is ordered accordingly.