

(2024) 02 KL CK 0209

High Court Of Kerala

Case No: Original Petition (C).No. 494 Of 2024

Trivandrum Club

APPELLANT

Vs

G. Anil Kumar

RESPONDENT

Date of Decision: Feb. 23, 2024

Hon'ble Judges: C.Jayachandran, J

Bench: Single Bench

Advocate: Arun Samuel, Jithin Babu A

Final Decision: Disposed Of

Judgement

C.Jayachandran, J

1. The petitioners are the defendants in the suit, O.S.No.1833/2023. The petitioners have preferred Ext.P5 interim application challenging the maintainability of the suit on various grounds. The grievance of the petitioners is that by virtue of orders passed by this Court vide Ext.P6, the respondent is pressing for hearing an interim application for injunction preferred by the respondent/plaintiff in the said suit. According to the learned counsel, let the injunction application vide Exts.P2 and P5 application with respect to the maintainability be heard together and orders passed.

2. Having regard to the limited prayer, notice to the respondents are dispensed with. This Original Petition is allowed and there will be a direction to the learned Munsiff to consider Ext.P5 application challenging the maintainability of the suit, simultaneous with Ext.P2 application seeking injunction without further delay. In case the suit is not found to be not maintainable, no orders be passed in Ext.P2 application. On the event of learned Munsiff finding that the suit is maintainable, orders in Ext.P2 shall also be passed.

3. It is submitted before this Court that the injunction application is posted on 26.02.2024. Either the maintainability petition shall also be heard on 26.02.2024, or else both matters shall stand adjourned to a day convenient to the learned Munsiff, on which day, Exts.P2 and P3 can be heard simultaneously.

This Original Petition is disposed of, as above.