

Vincent Pereira Vs Sukumaran Nair

Court: High Court Of Kerala

Date of Decision: Jan. 7, 2025

Hon'ble Judges: K.Babu, J

Bench: Single Bench

Advocate: M.R.Anandakuttan, M.Hemalatha, Mahesh Anandakuttan, M.J.Sajitha, M.R.Anandakuttan

Final Decision: Disposed Of

Judgement

K.Babu, J

1. The prayers in the Original Petition are as follows:-

(1)to call for the records leading to Exhibit-P6 proceedings in E. P. No. 6 of 2019 in O. S. No. 1881 of 2012 before the Principal Munsiff's Court of Thiruvananthapuram

and to re-consider the issue as Exhibit-P5 is pending;

(2)to stay further proceedings in pursuance to Exhibit-P6 pending disposal of this Original Petition;

(3)Such other reliefs which this petitioner may ask for during the course of the proceedings and which this Honourable Court may deem fit and necessary in the

interest of justice.

2. The petitioner is the defendant in O.S.No.1881 of 2012 on the file of the Munsiff Court-I, Thiruvananthapuram. The suit was decreed against him

on 30.03.2016. The plaintiffs filed E.P.No.3 of 2016 seeking execution of the decree. Later, the defendants filed I.A.No.5086 of 2016 (Ext.P3)

seeking to set aside the ex parte decree and I.A.No.5085 of 2016 (Ext.P4) seeking to condone the delay of 41 days in preferring the application to set

aside the ex parte decree. Exts.P3 and P4 applications were dismissed for non-prosecution.

3. The defendant filed I.A.No.99 of 2022 (Ext.P5) seeking to restore Exts.P3 and P4. Ext.P5 is pending before the trial Court. The

petitioner/defendant seeks a direction to the trial Court to consider Ext.P5 application as expeditiously as possible.

4. I have heard the learned counsel for the petitioner.

5. This Court obtained a report from the trial Court on the time required for the disposal of I.A.No.99 of 2022 (Ext.P5). The learned Trial Judge

submitted that Ext.P5 could be disposed of within one month, if the petitioner/defendant takes steps for issuing notice to the respondents without delay.

6. Having regard to the nature of the relief sought for, this Original Petition is disposed of with a direction to the Munsiff's Court,

Thiruvananthapuram to consider and dispose of Ext.P5, as expeditiously as possible, at any rate within three months from the date of receipt of a

certified copy of this judgment.