
(2023) 06 KL CK 0325
In the High Court Of Kerala
Case No : Review Petition No.584 Of 2023

Ayub.E

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 21-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0325

Hon'ble Judges : T.R. Ravi, J

Bench : Single Bench

Advocate : M.A.Abdul Hakhim, Joseph George, M.A.Azeez Mushtaque, Lijin Thamban

Final Decision : Allowed

Judgement

T.R. Ravi, J

The review petition has been filed seeking review of the operative portion of the judgment wherein this Court had made clear that the directions issued by the Court on 05.04.2022 shall remain in force till the issue relating to encroachment is finally decided by the civil court. The apprehension that is put forward by the review petitioner is that if the plaintiff chooses not to prosecute the suit, the interim order will continue in force indefinitely. Even though the interim order safe-guards the rights of the review petitioner to some extent, the fact remains that a gate has been put up by the petitioner and it will remain there indefinitely. I find justification in the apprehension expressed. The review petition is hence allowed. The directions in the last sentence of the judgment shall be substituted by the following sentence; "It is made clear that directions issued by this Court on 05.04.2022 shall remain in force for a period of two months, by which time the review petitioner may seek orders from the trial court in the pending suit regarding the obstruction which is caused by putting up of the gate. It is open to the review petitioner to raise the question of maintainability of the suit since according to the review petitioner, the suit as filed will not lie.