

(2023) 04 KL CK 0017

In the High Court Of Kerala

Case No : Original Petition (C) No. 627 Of 2023

G Thomas Mathew

APPELLANT

Vs

Jagadamma Syamala Devi Syam Nivas, T.C. 49/98,
Kalippankulam Ward, Manacaud Village,
Thiruvananthapuram., Pin 695033

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2023) 04 KL CK 0017

Hon'ble Judges : C.S Dias, J

Bench : Single Bench

Advocate : K.B.Pradeep, Harisankar R

Final Decision : Disposed Of

Judgement

C.S Dias, J

1. The original petition is filed to direct the Court of the Additional Munsiff, Neyyattinkara, to consider and dispose of E.P No.46/2017 in O.S.No.378/1999 expeditiously.

2. Pursuant to the order dated 10.03.2023 passed by this Court, the learned Additional Munsiff-I(in charge of Additional Munsiff-II), Neyyattinkara, by communication dated 15.03.2023, has informed this Court that E.P No.46/2017 was filed on 30.01.2017, for fixation of the boundary as per Ext A3 plan. An Advocate Commissioner was appointed and a report has been filed. Later, the report was remitted. The trial in the execution petition is going on. The decree holder has not taken steps to examine the Advocate Commissioner. The case stands posted to 23.05.2023 for the examination of the Advocate Commissioner. If both sides co-operate, the execution petition can be disposed of within six months.

3. Heard; Sri. K.B. Pradeep, the learned counsel appearing for the petitioner.

Even though notice has been served on the respondent, there is no appearance for her.

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 Additional Munsiff-II, Neyyattinkara, to consider and dispose of E.P No.46/2017 in O.S.No.378/1999, as expeditiously as possible and in accordance with law, at any rate, within a period of six months from the date of receipt of a certified copy of this judgment. It is made clear that, either party to the execution petition will get liberty to take steps to examine the Advocate Commissioner.

The original petition is ordered accordingly.