

(2010) 08 KL CK 0067

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 26237 of 2010 (O)

Jayasree

APPELLANT

Vs

Krishna Kumar M.B. and Keshava Kumar M.B.

RESPONDENT

Date of Decision : 19-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0067

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : M.P. Madhavankutty, for the Appellant; No Appearance, for the Respondent

Judgement

Thomas P. Joseph, J.—This petition is for a direction to the learned Munsiff, Thiruvalla for early disposal of O.S. Nos. 615 of 2008, 26 of 2009 and 9 of 2010, all pending in that court and involving petitioner. It is stated that dispute concerns 91 cents of land, a residential building and certain other items. Petitioner is claiming right over 91 cents as per the settlement deed and fractional interest in the rest of the properties. It is stated that petitioner is aged 62 years, ailing, has no residence of her own and is now staying with a relative of her at Changanasseri. Unless the suits are disposed of, petitioner will not be able to enjoy the property belonging to her. Learned Counsel states that one of the cases is posted in the year 2011 and in the normal course it will take several years to get the suits disposed of. Learned Counsel states that appropriate application for joint trial of the suits is being moved in the court of learned Munsiff. Learned Counsel therefore prayed that a direction for disposal of the suits atleast within a period of six months may be issued.

2. Certainly, the situation stated by Learned Counsel as to the condition of petitioner is to be taken into account. But, without understanding volume of work of the court concerned and priority for disposal of older cases if any, I do not consider it necessary to give any direction for time bound disposal. But I am sure, learned Munsiff if moved in the matter would consider the difficult situation

in which petitioner is allegedly placed and give a sympathetic consideration for her request for early disposal of the cases without waiting for a direction for time bound disposal. I permit the petitioner to request learned Munsiff for expeditious disposal of the suits.

With the above observation this writ petition is closed.