

(2011) 08 KL CK 0062
In the High Court Of Kerala
Case No : O.P (C) . No. 2555 of 2011

R. Sumathy, Raju, and R. Sulekha

APPELLANT

Vs

G. Ramesan and Others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Citation : (2011) 08 KL CK 0062

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : R.S. Kalkura, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

Thomas P. Joseph, J.—Petitioners are Plaintiffs in O.S. No. 2163 of 1997, later transferred to the Court of learned First Additional Sub Judge, Thiruvananthapuram and renumbered as O.S. No. 194 of 2009. That suit was filed against Respondents 1 to 3 and one Lalitha Kumari. On her death Respondents 4 to 6 were impleaded as her legal representatives. The prayer in that suit is for declaration of Petitioners' right over plaint A schedule and other consequential reliefs. The said Lalitha Kumari filed O.S. No. 149 of 2002 in the Court of learned First Additional Sub Judge against Petitioners. On her death, Respondents 4 to 6 got impleaded as additional Plaintiffs. That is a suit for fixation of boundary. Respondents 1 to 3 in their turn, filed O.S. No. 1839 of 2000 before learned Second Additional Sub Judge for a decree for prohibitory injunction against Petitioners, Respondents 4 to 6 and Lalitha Kumari which was transferred to the Court of learned First Additional Sub Judge and renumbered as O.S. No. 188 of 2009. These three suits are now pending before learned First Additional Sub Judge involving the parties herein. Petitioners want an early disposal of O.P(C). the suits. It is submitted that learned District Judge as per order dated 01.12.2008 in O.P(T.P). No. 155 of 2008 has directed joint trial of the suits. I.A. No. 7736 of 2009 filed by the Petitioners in O.S. No. 149 of 2002 for appointment of a survey commission is now pending consideration. Also,

Respondents 4 to 6 have filed I.A. No. 319 of 2005 for amendment of plaint in O.S. No. 149 of 2002. Petitioners seek a direction from this Court to the learned First Additional Sub Judge to complete the pre-trial steps and dispose of the suits as early as possible. Learned Counsel submitted that the litigation started in the year 1997 and is still pending.

2. It is not clear what all pre-trial steps are required to be taken in the suits and whether all such steps are completed. Without ascertaining and understanding the volume of work of the Court concerned I do not intend to give any direction for time bound disposal of the cases. But if learned District Judge has so directed in the order in O.P(T.P). No. 155 of 2008 the suits are to be disposed of jointly. If pre-trial steps are not completed, learned First Additional Sub Judge has to make every endeavour to make the cases ripe for trial and post the cases for trial in the list as early as possible having regard to grievance of the Petitioners and oldness of the litigation.

3. This original petition is closed with the above direction.