

(2023) 06 KL CK 0326

In the High Court Of Kerala

Case No : First Appeal From Orders Nos. 45, 48 Of 2019

Shyamlal M.N

APPELLANT

Vs

Krishnakumari

RESPONDENT

Date of Decision : 21-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0326

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : C.P.Saji, P.Deepa Mohan, C.A.Chacko, C.M.Charisma

Final Decision : Disposed Of

Judgement

Sathish Ninan, J

1. Interim orders passed in a first appeal pending before the District Court are the subject matter of these appeals. The dispute between the parties centers around a right of way.
2. Noticing that after the judgment passed by the trial court a gate was installed obstructing the way, the first appellate court, as per the impugned order directed the same to be removed and also restrained the appellant herein from obstructing the way.
3. This Court on 20.03.2019, at the time of admission, ordered stay of the order for mandatory injunction.
4. On 05.04.2019, this Court, referring to the undertaking of the appellant that though a gate was put up the same will not be locked and that the way will not be obstructed till the disposal of the appeal, recorded the undertaking.
5. Orders referred to in paragraphs 3 and 4 above are still in force.
6. It would be sufficient if the appellate court hears AS 230/2018 and the connected appeals AS 259/2018, 242/2018 and 243/2018 expeditiously.

Resultantly, these appeals are disposed of directing the first appellate court to hear and dispose of the appeals as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this judgment. Till disposal of the appeals, the orders referred to in paragraphs 3 and 4 of this judgment shall continue. It is made clear that this Court has not expressed either way on the merits of the rival contentions.