

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

ORIGINAL PETITION (CIVIL) NO.852 OF 2020

(RELUCTANCE OF THE COURT BELOW TO NUMBER AND HEAR THE CASE FILED AS A
SUIT BEFORE THE VACATION COURT MANJERI)

PETITIONER:

DR. ABDUL VAHAB, AGED 51 YEARS, S/O PAVARU,
KADAVATH PARAMBIL HOUSE, KATTIPPARUTHY AMSOM
VAIKKATHOOR DESOM, VALANCHERY (PO),
PIN-676552, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV.JAMSHEED HAFIZ

RESPONDENTS:

KODANCHERY ABDUL KADER, AGED 56 YEARS,
S/O MOHAMMED, CHERIYAMUNDAM AMSOM DESOM,
CHERIYAMUNDAM (PO), TIRUR TALK,
MALAPPURAM DISTRICT.

THIS ORIGINAL PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK MENON, J.

Original Petition (C) No.852 of 2020

Dated this the 15th day of May, 2020

J U D G M E N T

The petitioner is the owner of Plaint A & B Schedule properties and in the north of those properties, there is a pathway allegedly having a width of four metres. The petitioner contends that the pipe line project of GAIL is under way and that trailers are plying through that pathway, as it has sufficient width. The defendant also has some property adjoining the aforesaid pathway. The apprehension of the petitioner is that the defendant is attempting to encroach into the said pathway and construct compound wall, thereby diminishing the width of the pathway. If that happens, it would be adversely affecting his rights, contends the petitioner.

2. The petitioner had approached the Vacation Court, Manjeri, but the suit was not accepted in view of the lockdown following the pandemic COVID-19. The petitioner wants a direction from this Court to the District Court,

Manjeri to accept his suit and proceed to consider the application for passing of interim order of injunction.

3. The Courts would be re-opening on 18.05.2020 and the suit will have to be filed before the Munsiff's Court, Manjeri. In view of the emergent situation expressed by the petitioner, I find that an order of status quo will have to be ordered. However, soon after he is able to move the matter before the Vacation Court or the jurisdictional Munsiff's Court, the petitioner shall take out the Advocate Commission to bring out the present status of the pathway. Till such time, the respondent herein shall maintain status quo. The Original Petition is disposed of as above.

ASHOK MENON

JUDGE

dkr

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT.P1: COPY OF THE ENTIRE SET OF THE PLAINT ALONG WITH THE DOCUMENTS AND APPLICATIONS TAKEN TO BE FILED BEFORE THE DISTRICT COURT MANJERI, DATED 04.05.2020 SCANNED AS SOFT COPY.