

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

OP(C).NO.853 OF 2020

PETITIONERS: / PLAINTIFFS

1. SASIDHARAN, S/O CHELLAPPAN,
NEDUMPURATHU VILAKATHU VEEDU,
VENGANOOR DESAM, VENGANOOR P.O, - 695042
PALLICAL VILLAGE, THIRUVANANTHAPURAM.
2. VASANTHI, D/O KAMALAMMA,
NEDUMPURATHU VILAKATHU VEEDU,
VENGANOOR DESAM, VENGANOOR P.O, -695042
PALLICAL VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI. JINU JOSEPH
ADV. SRI. SIKANDER JAN

RESPONDENTS: / DEFENDANTS

1. JEENA W/O BINU,
BINU NIVAS, PALLICAL P.O, PUNNAMOOD,
THIRUVANANTHAPURAM.-695020
2. JAYA, W/O LATE AJAYAKUMAR,
HOUSE NO. 111, VADAKKEVILA VILLAGE,
MULLUVILACHERI, VADEKKEVILA P.O,
KOLLAM - 691010.
3. VIDYA, D/O LATE AJAYAKUMAR,
HOUSE NO. 111, VADAKKEVILA VILLAGE,
MULLUVILACHERI,
VADEKKEVILA P.O, KOLLAM - 691010.
4. DHANYA, D/O LATE AJAYAKUMAR,
HOUSE NO. 111, VADAKKEVILA VILLAGE,
MULLUVILACHERI,
VADEKKEVILA P.O, KOLLAM - 691010.

THIS ORIGINAL PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK MENON, J.

OP(C) No.853 of 2020

Dated this the 12th day of May, 2020

J U D G M E N T

Petitioners are plaintiffs in O.S.No.204/2020 on the files of the Additional Munsiff Court-I, Neyyatinkara, which is a suit for cancellation of sale deeds, declaration of plaintiffs' title and for perpetual injunction. They got an ad interim injunction against the respondents/addl. defendants restraining them from proceeding with any construction in the property or from alienating the property. A commission was also taken up and a report has been filed giving in detail the present lie of the property. However, the first respondent/addl. second defendant had filed a caveat on 07.03.2020. On 24.03.2020, the interim order of injunction was vacated by the learned Munsiff. The petitioners are anxious that the respondents are now proceeding with the construction work and if it so happens, the very purpose of the suit would be defeated. They, therefore, seek intervention of this Court under Article 227 of the Constitution of India.

2. There is already a commission report filed before the trial court giving in detail the present status quo of the property. Considering the fact that the injunction was earlier granted and then vacated by the lower court, it has to be seen that, there is every possibility of the status quo being disturbed by the respondents in the absence of any injunction. Hence, it is hereby ordered that the present status quo as seen by the Commissioner shall be maintained till the matter is taken up by the trial court for further hearing and pass appropriate orders.

The OP(C) is disposed of as above.

**ASHOK MENON
JUDGE**

rmm

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT.P1: THE TRUE COPY OF THE PLAINT IN OS.NO. 204/2020 DATED 29-02-2020 OF MUNSIFF COURT, NEYYATTINKARA.

EXHIBIT.P2: THE TRUE COPY OF I.A.NO. 1/2020 IN O.S.NO. 204/2020

EXHIBIT.P3: THE TRUE COPY OF COMMISSION REPORT DATED 11-03-2020

EXHIBIT.P4: THE TRUE COPY OF IMPEADING PETITION IN O.S.NO.204/2020

EXHIBIT.P5: THE TRUE COPY OF INJUNCTION ORDER IN I.A.NO. 1/2020 AND I.A.5/2020 DATED 23-03-2020

EXHIBIT.P6: THE TRUE PRINT OUT OF PROCEEDINGS DATED 24-03-2020 TAKE DOWN FROM THE E-COURTS