

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.854 OF 2020

(AGAINST THE ORDER DATED 2-11-2016 OF I.A NO: 14/2016 IN O.S NO: 10/2016 BY THE HON'BLE SUB COURT, AMINI, UNION TERRITORY OF LAKSHADWEEP)

PETITIONER / PLAINTIFF

HAMZATH POKKARACHIYAPURA, AGED 70 YEARS, S/O
UMBEPURA MUHAMMED, POKKARACHIYAPURA (H),
KAVARATTI ISLAND, LAKSHADWEEP, PIN: 682555

BY: ADV. R.ROHITH

RESPONDENT/ DEFENDANTS

1. AISHA POKKARACHIYAPURA, AGED 87 YEARS, D/O ALI MUKRI
EVALANAPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
2. KADEESHA, AGED 73 YEARS, W/O MUTHUKOYA
MUTHUMMADA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
3. MUHAMMEDALI, AGED 53 YEARS, S/O MUTHUKOYA
MUTHUMMADA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
4. ABOOBACKER, AGED 47 YEARS, S/O MUTHUKOYA
MUTHUMMADA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
5. SAINUL ABID, AGED 38 YEARS, S/O MUTHUKOYA
MUTHUMMADA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
6. SOUJITH, AGED 55 YEARS, D/O MUTHUKOYA
MUTHUMMADA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
7. BASHEER, AGED 62 YEARS, S/O ANJUMMA
POKKARACHIYAPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.

8. SAROMMA, AGED 73 YEARS, D/O FATHIMMA
POKKARACHIYAPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
9. MOHAMMED, AGED 67 YEARS, S/O AHAMMED
KUTTIYACHADA (H), KALPENI ISLAND, LAKSHADWEEP,
PIN: 682557.
10. KIDAVE, AGED 63 YEARS, S/O AHAMMED
KUTTIYACHADA (H), KALPENI ISLAND, LAKSHADWEEP,
PIN: 682557.
11. ABOOBACKER, AGED 57 YEARS, S/O AHAMMED
KUTTIYACHADA (H), KALPENI ISLAND, LAKSHADWEEP,
PIN: 682552.
12. KUNHIBI, AGED 63 YEARS, D/O AHAMMED
KUTTIYACHADA (H), KALPENI ISLAND, LAKSHADWEEP,
PIN: 682557.
13. KHAMARBAN, AGED 59 YEARS, D/O AHAMMED
KUTTIYACHADA (H), KALPENI ISLAND, LAKSHADWEEP,
PIN: 682557.
14. KASMI, AGED 63 YEARS, S/O KIDAVE
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
15. SAINA, AGED 60 YEARS, D/O KIDAVE
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
16. SAIDALI, AGED 57 YEARS, S/O KIDAVE
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
17. MUHASIN, AGED 53 YEARS, S/O KIDAVE
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
18. ABBAS, AGED 53 YEARS, S/O KIDAVE
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.

19. MULLABI, AGED 55 YEARS, D/O KIDAVE
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
20. ABDULLA, AGED 63 YEARS, H/O SAFIYA
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
21. NASIM, AGED 39 YEARS, S/O SAFIYA
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
22. FAREEDA, AGED 37 YEARS, D/O SAFIYA
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
23. VAHIDABI, AGED 35 YEARS,
D/O SAFIYA KUTTIPAPPEPURA (H), KAVARATTI ISLAND,
LAKSHADWEEP,
PIN: 682555.
24. MANIKFAN, AGED 33 YEARS, S/O SAFIYA
KUTTIPAPPEPURA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
25. RUHIYATH, AGED 33 YEARS, D/O HAMEEDA
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
26. SAJNA, AGED 33 YEARS, D/O HAMMEDA
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
27. MUHAMMED RAFI, AGED 32 YEARS, S/O HAMMEDA
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
28. ISMAIL, AGED 29 YEARS, S/O HAMMEDA
BEERANTHODA (H), KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
29. BERIYATHUMMADA THANGALA ILLAM SAROMMA,
AGED 77 YEARS, D/O PAYAYA UMMADA BEERAN
KAVARATTI ISLAND, LAKSHADWEEP, PIN: 682555.

30. MASHAHINAPUARA KUNJI KUNJI HAJI, AGED 84 YEARS,
S/O YUSUF MALMI. KAVARATTI ISLAND, LAKSHADWEEP,
PIN: 682555.
31. BERIYATHUMMADA THANGAL ILLAM MOHAMMED HASHIM,
AGED 43 YEARS, S/O KUNJI KUNJI HAJI
KAVARATTI ISLAND, LAKSHADWEEP, PIN: 682555.
32. DR. MUHAMMED SADIQU, AGED 53 YEARS,
S/O DR. K.K MUHAMMED KOYA, KUNJIPAPPADA (H)
KALPENI ISLAND, LAKSHADWEEP, PIN: 682557

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

ASHOK MENON, J.

OP(C) No.854 of 2020

Dated this the 12th day of May, 2020

O R D E R

Issue notice to the respondents by e-mail.

The petitioner is the plaintiff in OS No.10/2016 on the files of the Sub Court, Amini and he was granted an interim order of injunction in IA No.14/2016 by the court below. Subsequently, the suit was dismissed for default and thereafter, the petitioner had approached the court and wanted it to be restored to file. However, the interlocutory order of injunction was not restored. The petitioner apprehends that the respondents are going to proceed with the construction in the property in violation of the earlier order of injunction.

There shall be an interim order against the respondents to maintain status quo and deter from proceeding with any construction work.

Post after vacation.

**ASHOK MENON
JUDGE**

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT.P1: THE TRUE COPY OF THE PLAINT IN OS.NO.10/2016 FILED BY THE PLAINTIFF BEFORE THE HON'BLE SUB COURT, AMINI, UNION TERRITORY OF LAKSHADWEEP.

EXHIBIT.P2: THE TRUE COPY OF THE ORDER DATED 2.11.2016 IN IA NO.14/2016 IN OS.NO.10/2016 BY THE HON'BLE SUB COURT, AMINI, UNION TERRITORY OF LAKSHADWEEP.

EXHIBIT.P3: THE TRUE COPY OF THE ORDER DATED 16.8.2019 IN OS.NO.10/2016 PASSED BY THE HON'BLE SUB COURT, AMINI, UNION TERRITORY OF LAKSHADWEEP.

EXHIBIT.P4: THE TRUE COPY OF THE ORDER DATED 16.1.2020 IN IA NO.38/2019 IN OS.NO.10/2016 OF THE HON'BLE SUB COURT, AMINI, UNION TERRITORY OF LAKSHADWEEP.

EXHIBIT.P5: THE TRUE COPY OF THE PHOTOGRAPH OF THE BUILDING CONSTRUCTING IN THE PLAINT SCHEDULE PROPERTY.