

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR

THURSDAY, THE 08TH DAY OF APRIL 2021 / 18TH CHAITHRA, 1943

OP(C).No.1180 OF 2020

OS 80/2019 OF SUB COURT, OTTAPPALAM

PETITIONER/2ND PLAINTIFF:

ASHARAF

AGED 37 YEARS

S/O ABOOBACKER, VICE-CHAIRMAN, THE MINORITY
EDUCATIONAL SOCIETY TRUST, ITS OFFICE AT
OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT,
PIN-679534, HAVING PERMANENTLY RESIDING AT
VALIYAPEDIYAKKAL, KUMARANELLOR, VELLALLUR DESOM,
KAPPUR VILLAGE, PATTAMBI TALUK,
PALAKKAD DISTRICT, PIN-679552.

BY ADVS.

SMT.K.NANDINI

SRI.JOHNY K. JOHN

RESPONDENTS/DEFENDANTS 1-3 & PLAINTIFFS 1, 3-9:

- 1 MUHAMMAD ALI, AGED ABOUT 52 YEARS
S/O HAMSA, AMBALATHUVEETIL HOUSE,
PADINJARANGADI.P.O, PALAKKAD DISTRICT, PIN-
679552.
- 2 A.V.ABOOBACKER @ POKKU,
AGED ABOUT 51 YEARS
S/O.HAMSA, AMBALATHUVEETIL HOUSE,
PADINJARANGADI.P.O, PALAKKAD DISTRICT, PIN-
679552.

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- 3 A.V.HAMSA,
 AGED ABOUT 24 YEARS
 S/O MUHAMMAD ALI, AMBALATHUVEETIL HOUSE,
 PADIINJARANGADI.P.O, PALAKKAD DISTRICT,
 PIN-679552.
- 4 THE MINORITY EDUCATIONAL SOCIETY TRUST,
 REP.BY ITS CHAIRMAN, DR.ABDHU RAHIMAN KUTTY, AGED
 55 YEARS, S/O.P.V.MUHAMAD KUTTY,
 ITS OFFICE AT OTHALUR, PADINHARANGADI,
 PALAKKAD DISTRICT, PIN-679534, HAVING PERMANENTLY
 RESIDING AT VADAKEVEETIL,
 PALLAPRAM, PONNANI VILLAGE AND TALUK,
 MALAPURAM(D) , PIN-679577.
- 5 MOYIDIN SHAW,
 AGED 41 YEARS
 S/O KAMMU KUTTY, GENERAL SECRETARY,
 THE MINORITY EDUCATIONAL SOCIETY TRUST,
 ITS OFFICE AT OTHALUR, PADINHARANGADI,
 PALAKKAD DISTRICT, PIN-679534, HAVING PERMANENTLY
 RESIDING AT PARAYKL VALLAPIL,
 ALLUR AMSAM, PATTITHARA VILLAGE, PATTAMBI
 TALUK, PALAKKAD DISTRICT, PIN-679534.
- 6 MUSTHAF A,
 AGED 48 YEARS
 S/O MUHAMMED HAJI, JOINT SECRETARY, THE MINORITY
 EDUCATIONAL SOCIETY TRUST, ITS OFFICE AT
 OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT, PIN-
 679534, HAVING PERMANENTLY RESIDING AT KUNNATHU
 ERIKAMANA AMSAM, EZHUVARATHI DESOM, PONNANI
 VILLAGE AND TALUK, MALAPURAM DISTRICT, PIN-679577.

- 7 JAFFAR ALI
 AGED 33 YEARS
 S/O ABDHUHAJI, TREASURER, THE MINORITY EDUCATIONAL
 SOCIETY TRUST, ITS OFFICE AT
 OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT,
 PIN-679534, HAVING PERMANENTLY RESIDING AT
 KALLUMURICKAL, THOTTAZHIUM DESOM, ANAKARA
 VILLAGE, PATTAMBI TALUK, PALAKKAD DISTRICT, PIN-
 679553.
- 8 V.ABOOBACKER,
 AGED 49 YEARS
 S/O ABOOBACKER, TRUSTEE, THE MINORITY EDUCATIONAL
 SOCIETY TRUST, ITS OFFICE AT
 OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT,
 PIN-679534, HAVING PERMANENTLY RESIDING AT
 VAZHIYILLATHIL HOUSE, ALLUR AMSAM,
 PATTITHARA VILLAGE,
 PATTAMBI TALUK, PALAKKAD DISTRICT, PIN-679534.
- 9 UMMER,
 AGED 43 YEARS
 S/O MUHAMMAD, TRUSTEE, THE MINORITY EDUCATIONAL
 SOCIETY TRUST, ITS OFFICE AT
 OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT,
 PIN-679534, HAVING PERMANENTLY RESIDING AT
 VAKKOLAVALLAPIL KUMARANELLORE ANGADI
 DESOM, KAPPUR VILLAGE, PATTAMBI TALUK, PALAKKAD
 DISTRICT, PIN-679552.
- 10 ABDHUL AZIZ,
 AGED 47 YEARS
 S/O BAVA, TRUSTEE, THE MINORITY EDUCATIONAL
 SOCIETY TRUST, ITS OFFICE AT
 OTHALUR, PADINHARANGADI, PALAKKAD DISTRICT,
 PIN-679534, HAVING PERMANENTLY RESIDING AT
 PADIYAKATH ARAKKAL, ERIKAMANA
 AMSAM, EZHUVATHURUTHY DESOM, PONNANI VILLAGE AND
 TALUK, MALAPPURAM DISTRICT, PIN-679577.

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11 NOORJHAKHAN,
AGED 49 YEARS
D/O ABDULLA, VADAKA VEETIL, PALLAPRAM
DESOM, PONNANI VILLAGE AND TALUK, MALAPPURAM
DISTRICT, PIN-679577.

R7-11 BY ADV. SRI.S.K.BALACHANDRAN
R7-11 BY ADV. SMT.N.D.DEEPA
R7-11 BY ADV. SRI.K.M.BIJU

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
08.04.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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Dated this the 8th day of April, 2021

J U D G M E N T

The second plaintiff in O.S.No.80/2019 has filed this original petition seeking issue of a direction to the court below for expeditious disposal of the suit in a time bound manner.

2. I heard the learned counsel for the petitioner.

3. A report was called for from the court below as to the time frame within which the matter could be finally disposed of. In the report dated 25.3.2021, it is submitted that there are old matters which require immediate attention when compared to the instant suit. According to the court below, this matter could be disposed of within a period of six months from the date of reopening of the court after vacation.

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In the result, the original petition is allowed directing the court below to dispose of the suit within a period of six months from the date of reopening of the court after vacation.

All pending interlocutory applications are closed.

Sd/-

T.V.ANILKUMAR
JUDGE

ami/

APPENDIX

PETITIONER'S EXHIBITS:

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| EXHIBIT P1 | TRUE COPY OF PLAINT IN O.S.NO.80 OF 2019 PENDING BEFORE THE SUBORDINATE JUDGES COURT, OTTAPALAM |
| EXHIBIT P2 | TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS IN THE ABOVE SAID O.S.NO.80 OF 2019 PENDING BEFORE THE SUBORDINATE JUDGES COURT, OTTAPALAM |
| EXHIBIT P3 | TRUE COPY OF THE TRUST DEED DATED 21/5/2002 OF S.R.O, KUTTIPPURAM |
| EXHIBIT P4 | TRUE COPY OF THE JUDGMENT DATED 13/8/2019 IN W.P. (C) NO.19052/2019. |