

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 20TH DAY OF DECEMBER 2022 / 29TH AGRAHAYANA, 1944

OP(C) NO. 2237 OF 2022

IN OS 711/2021 OF III ADDITIONAL MUNSIF COURT ,TRIVANDRUM
PETITIONERS/PETITIONERS/ DEFENDANTS 1&2:

- 1 SHAMLA AZEEM
AGED 56 YEARS
RESIDING AT SAJIL NIVAS,
T C 25/3865, A-37,
KANAKA NAGAR,
KOWDIAR P O,
THIRUVANANATHAPURAM
REPRESENTED BY HER POWER OF ATTORNEY HOLDER,
MR.SUNIL KUMAR.V,
AGED 46 YEARS, S/O.VIDHYADHARAN,
T.C.10/1086, KONNAVILAKOM HOUSE,
NEAR GHS, MANNANTHALA,
NALANCHIRA.P.O,
THIRUVANANTHAPURAM, PIN - 695015
- 2 ABDUL AZEEM ,
AGED 60 YEARS,
RESIDING AT SAJIL NIVAS,
T C 25/3865, A-37, KANAKA NAGAR KOWDIAR P O,
THIRUVANANATHAPURAM
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
MR.SUNIL KUMAR.V,
AGED 46 YEARS, S/O.VIDHYADHARAN,
T.C.10/1086, KONNAVILAKOM HOUSE,
NEAR GHS,
MANNANTHALA, NALANCHIRA.P.O,
THIRUVANANTHAPURAM, PIN - 695015

BY ADVS. LIJU.V.STEPHEN
INDU SUSAN JACOB

RESPONDENTS/ COUNTER PETITIONER/ PLAINTIFF & DEFENDANTS 3 &4:

- 1 JUNAIDA BEEGUM
AGED 59 YEARS
W/O.MUHAMMED DALIF,
T.C.11/230, A-39, PARAKUZHY PURAYIDOM,
KANAKA NAGAR, NANTHENCOD,
KOWDIAR.P.O, THIRUVANANTHAPURAM,
PIN - 695003

2 A. NIZAMUDHEEN
 AGED 56 YEARS
 S/O.ABDUL RASHEED, ZAM ZAM MANZIL,
 VENGODE, KUDAVOOR.P.O,
 KEEZHTHONNAKKAL VILLAGE,
 THIRUVANATHAPURAM AND NOW AT T.C.11/229,
 "HAYATH",
 KANAKA NAGAR, KOWDIAR.P.O,
 THIRUVANANTHAURAM, PIN - 695003

3 LIJIYA
 AGED 50 YEARS
 W/O. A.NIZAMUDEEN, AGED 50 YEARS,
 S/O.ABDUL RASHEED,
 ZAM ZAM MANZIL, VENGODE,
 KUDAVOOR.P.O, KEEZHTHONNAKKAL VILLAGE,
 THIRUVANATHAPURAM AND NOW AT T.C.11/229,
 "HAYATH",
 KANAKA NAGAR, KOWDIAR.P.O,
 THIRUVANANTHAURAM, PIN - 695003

BY ADV MOHAMMED AL RAFI S

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
20.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Dated this the 20th day of December, 2022

J U D G M E N T

The original petition is filed, *inter alia*, to direct the Court of the IIIrd Additional Munsiff, Thiruvananthapuram, to consider and dispose of I.A.No.5/2022 in O.S.No.711/2021 (Ext P4) within a time frame.

2. The petitioners' case is that, they are the defendants 1 and 2 in the above suit which is filed by the respondents. The petitioners are unnecessary parties to the suit. Therefore, they have filed Ext P4 application, to strike them off from the party array. The pendency of the application is causing severe hardship to the petitioners, who are senior citizens. Hence, the original petition.

3. Heard; Sri. Liju.V.Stephen, the learned

counsel appearing for the petitioners and Sri.S. Mohammed Al Rafi, the learned counsel appearing for the first respondent. Service is complete on the respondents 2 and 3.

4. In the light of the pleadings and materials on record, and taking note of the fact that Ext P5 application is pending consideration before the court below since 09.06.2022, I am of the firm view that the court below is to be directed to consider and dispose of the application on its merits and in accordance with law.

In the result, in exercise of the supervisory powers of this Court under Article 227 of the Constitution of India, I direct the Court of the IIIrd Additional Munsiff, Thiruvananthapuram, to consider and dispose of Ext P4 application, after affording the respondents an opportunity to file their counter affidavit and after

hearing both sides, in accordance with law, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

The original petition is ordered accordingly.

Sd/-

C.S.DIAS, JUDGE

DST/20.12.22

//True copy/

P.A.To Judge

APPENDIX

PETITIONER EXHIBITS

EXHIBIT P1 A TRUE COPY OF THE PLAINT IN O.S. NO:711/2021 DATED 13-7-2021 ON THE FILES OF THE III ADDITIONAL MUNSIF'S COURT THIRUVANANTHAPURAM

EXHIBIT P2 A TRUE COPY OF WRITTEN STATEMENT FILED BY THE PETITIONERS/ DEFENDANTS IN O.S. NO: 711/2021 IN OCTOBER 2022 ON THE FILES OF THE III ADDITIONAL MUNSIF'S COURT, THIRUVANANTHAPURAM

EXHIBIT P3 A TRUE COPY OF THE RELEVANT PAGE OF THE BASIC TAX REGISTER

EXHIBIT P4 A TRUE COPY OF THE I.A. NO. 5/ 2022 IN O.S NO. 711 OF 2022 BEFORE THE ADDL III MUNISFFS COURT, TVM

EXHIBIT P5 A TRUE COPY OF THE CORRECTION PETITION AS I.A. NO.7/2022 IN O.S NO. 711 OF 2022 FILED BEFORE THE ADDL. MUNSIF'S COURT, THIRUVANANTHAPURAM

RESPONDENTS EXHIBITS: NIL