

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 3RD DAY OF AUGUST 2023 / 12TH SRAVANA, 1945

OP(C) NO. 1576 OF 2023

AGAINST THE ORDER/JUDGMENTTOP 858/2017 OF DISTRICT COURT

& SESSIONS COURT, ERNAKULAM

PETITIONER:

LT.COL. N.D.JOY (RETD) ,
AGED 84 YEARS ,
S/O.LATE N.P.DEVASSY,
RESIDING AT 28/3227,
1ST CROSS,CHERUPARAMBATH ROAD,
KADAVANTHRA,KOCHI, PIN - 682020

BY ADV RANI JOY

RESPONDENT:

DR.JESS RAPHAEL,
PAVANATHARA HOUSE,
MARTHOMA CHURCH ROAD,
S.N.JUNCTION, PERUMBAVOOR,
ERNAKULAM, PIN - 682047

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
03.08.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

N.NAGARESH, J.

O.P (C) No.1576 of 2023

Dated this the 3rd day of August, 2023

J U D G M E N T

The petitioner is before this Court seeking to dispose of Ext.P10 petition I.A No.21 of 2023 dated 08.03.2023 filed by the petitioner requesting for the expeditious disposal of I.A No.18 of 2022 dated 01.11.2022 in TOP No.858 of 2017 within a stipulated time limit.

2. Ext.P12 proceedings pending before the District Court, Ernakulam in I.A No.18 of 2022 in TOP No.858 of 2017 in O.S No.1148 of 1995 would show that notice of the I.A was given to the respondent on 03.11.2022. The case was posted for counter and hearing to 29.11.2022. Though the matter was taken up on 29.11.2022, the case was

notified to 19.12.2022. The I.A came up again on 15.03.2023 and the matter was posted for counter of the respondent and hearing on 24.05.2023. The case was thereafter posted to 24.05.2023, 31.05.2023 and 23.06.2023.

Taking into consideration the averment made in the writ petition, the writ petition is disposed of directing the District Judge, Ernakulam to dispose of I.A No.18 of 2022 in TOP No.858 of 2017 as expeditiously as possible on completion of the pleadings.

**Sd/-
N. NAGARESH
JUDGE**

APPENDIX OF OP(C) 1576/2023

PETITIONER'S EXHIBITS

EXHIBIT P1	TRUE COPY OF THE JUDICIAL ORDER DATED 11/2/97 ISSUED BY THE HON'BLE SUPREME COURT. IN SLP(CRL) NO.2372/1995.
EXHIBIT P2	TRUE COPY OF THE STATEMENT OF PW1 DATED 2/12/97 IN O.S.1148/1995 OF 1ST ADDL. SUB COURT ERNAKULAM.
EXHIBIT P3	TRUE COPY OF THE JUDGEMENT DT 17/3/09 IN O.S,NO.1148/95 OF 1ST ADDL. SUB COURT, ERNAKULAM.
EXHIBIT P4	TRUE COPY OF THE I.A.NO.5597/2010 DATED 11/8/2010 IN O.S.NO.1148/95 OF 1ST ADDL. SUB COURT, ERNAKULAM.
EXHIBIT P5	A TRUE COPY OF THE ORDER DT 30/11/2018 IN I.A.NO.4901/2018 IN T.O.P.NO.858/2017 OF PRL.DISTRICT COURT , ERNAKULAM.
EXHIBIT P6	A TRUE COPY OF THE PRINCIPLE BY NOTE OF 2022(3)KLTSN41 (C.NO.30)SC DATED 11/4/2022.
EXHIBIT P7	A TRUE COPY OF ORDER DT 5-3-2018 IN I.A. NO.2917/2017 IN I.A.NO. 4692/2016 IN O.S.NO. 1148/95 OF 1ST ADDL. SUB COURT, ERNAKULAM.
EXHIBIT P8	A TRUE COPY OF PROCEEDINGS DT 30.5.22 IN I.A.NO.3/2022 IN O.S.NO.1148/1995 OF 1ST ADDL. SUB COURT,ERNAKULAM.
EXHIBIT P9	A TRUE COPY OF THE PETITION I.A.NO.3/2022 DATED 6/7/2022 IN O.S.NO.1148/1995 OF 1ST ADDL. SUB COURT, ERNAKULAM.
EXHIBIT P10	A TRUE COPY OF I.A.NO.21/2023 DATED 8/3/2023 IN TOP 858/17 OF DISTRICT COURT, ERNAKULAM.
EXHIBIT P11	A TRUE COPY OF THE CONSTITUTIONAL MORALITY BY CHIEF JUSTICE OF INDIA SHRI S.H.KAPADIA DT 12/3/2011.

EXHIBIT P12	PROCEEDINGS FROM 3.11.2022 TO 23.6.2023 IN I.A.NO.18 OF 2022 IN TOP 858/2017 OF PRL:DISTRICT COURT, ERNAKULAM.
EXHIBIT P13	TRUE COPY OF THE PLAINT IN O.S.NO.1148/95 DATED 24/11/95 IN THE 1ST ADDL.SUB COURT, ERNAKULAM BY THE PETITIONER.
EXHIBIT P14	TRUE COPY OF THE WRITTEN STATEMENT DT 10/06/1996 FILED BY THE DEFENDANT IN O.S.NO.1148/95 OF THE 1ST ADDL.SUB COURT, ERNAKULAM
EXHIBIT P15	TRUE COPY OF THE ORDER DATED 6/7/2000 IN C.R.P. NO.2362/1999 REPORTED IN KHC 749 KLT 2000(3) SN.9. DATED THIS 1ST DAY OF AUGUST 2023.