

Kerala High Court

Anna Manikantan Nair Formerly ... vs Sobha V.S. on 13 November, 2007

IN THE HIGH COURT OF KERALA AT ERNAKULAM

FAO No. 250 of 2007()

1. ANNA MANIKANTAN NAIR FORMERLY KNOWN AS
... Petitioner

Vs

1. SOBHA V.S., T.C.11/1535(1)
... Respondent

For Petitioner :SRI.R.S.KALKURA

For Respondent :SRI.RAJEEV V.KURUP

The Hon'ble MR. Justice P.R.RAMAN
The Hon'ble MR. Justice V.K.MOHANAN

Dated :13/11/2007

O R D E R

P.R. RAMAN & V. K. MOHANAN, JJ.

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F.A.O. NO. 250 OF 2007.

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DATED THIS, THE 13TH DAY OF NOVEMBER, 2007.

J U D G M E N T

Raman, J.

The defendant in O.S. 504/2007 and the counter petitioner in I.A. 3831/2007 is the appellant herein. The respondent herein as the plaintiff, filed I.A.. 3831/2007 for an injunction against the defendant/appellant from alienating or altering the plaint schedule property till the disposal of the suit and to communicate the said order to the Pattam Sub Registrar Office. The court after hearing the parties, allowed the prayer. Accordingly, the appellant is restrained from alienating the property or altering the nature of the same till the disposal of the suit. However, there are two schedules attached to the plaint, ie. A schedule and B schedule. Plaint B schedule alone is the subject matter of

the suit, which is part of A schedule. As such this Court, while admitting the appeal, restricted the interim injunction to plaint B schedule alone. Since admittedly, plaint A schedule is a larger extent, in respect of which no relief is claimed in the suit and the relief sought for is confined to plaint B schedule, the court below ought to FAO 250/2007 :2:

have clarified this position while passing the interim order.

2. Having heard both sides, the injunction order passed by the court below is modified confining to B schedule. If the pleadings are completed and the suit is ripe for trial and if a request is made by the parties, the trial of the suit be expedited.

The F.A.O. is disposed of as above.

P.R. RAMAN, (JUDGE) V. K. MOHANAN, (JUDGE) knc/-