

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

OP(C).No. 3104 of 2014 (O)

(E.A.NO.256/2014 IN E.P.NO.149/2010 IN ARC.NO.2115/2005 OF SUB COURT, TIRUR)

PETITIONER/3RD RESPONDENT/3RD JUDGMENT DEBTOR:

PRAVEEN, AGED 31 YEARS,
S/O.LATE BHASKARAN, AMMENGARA HOUSE,
NIRAMARUTHOOR AMSOM, MALAPPURAM DISTRICT.

BY ADV. SRI.P.V.GEORGE(PUTHIYIDAM)

RESPONDENT/PETITIONER/DECREE HOLDER:

THE SECRETARY,
TANUR SERVICE CO-OPERATIVE BANK LTD.NO. 1629,
TANUR P.O., MALAPPURAM - 676 505.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

OP(C).No. 3104 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT IN OPC NO.229/2012 DATED 24/2/2012
PASSED BY THIS HON'BLE COURT.

EXT.P2: TRUE COPY OF THE ORDER PASSED BY THE SUB COURT, TIRUR
DATED 3/4/2012 PASSED IN EXECUTION PETITION NO.149/2010 IN ARC.
2115/2005.

EXT.P3: TRUE COPY OF THE E.A NO.256/2014 IN E.P NO.149/2010 IN
ARC.2115/2005 PENDING ON THE FILES OF THE HON'BLE SUB COURT,
TIRUR.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.BHAVADASAN, J.

O.P.(C) No. 3104 of 2014

Dated this the 30th day of December, 2014.

JUDGMENT

The apprehension of the petitioner is that in pursuant to Ext.P3, the actual delivery will be effected. On the facts of the case, only half right of the Judgment debtor has been sold, in which case it will not be possible for the decree holder in the normal course to seek actual delivery of the property while others are in possession of the same on independent right. There is no reason to believe that the court below will not keep this aspect in mind while ordering delivery to decree holder.

With the above observation, this original petition is disposed of.

**Sd/-
P.BHAVADASAN
JUDGE**