

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH**

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Arb.A.No. 52 of 2015 ()

**-----
(AGAINST ORDER DATED 22-08-2015 IN IA No.973/2010 IN ARB. OP No.29/2007
OF DISTRICT COURT, PALAKKAD)**

APPELLANTS/RESPONDENTS:

- 1. C.G.BABU
S/O.LATE C.M.GANGADHARAN, CHAMAKKAD HOUSE
VADAKKANCHERRY P.O., ALATHUR TALUK, PALAKKAD DISTRICT.**
- 2. C.G.PRIVI
S/O.LATE C.M.GANGADHARAN, CHAMAKKAD HOUSE
VADAKKANCHERRY P.O., ALATHUR TALUK, PALAKKAD DISTRICT.**
- 3. C.G.RAJEEV
S/O.LATE C.M.GANGADHARAN, FLAT NO.107, RAHEJA ENCLAVE
RACE COURSE ROAD, COIMBATORE - 641 018.**
- 4. P.S.SATHEEDEVI
W/O.LATE C.M.GANGADHARAN, CHAMAKKAD HOUSE
VADAKKANCHERRY P.O., ALATHUR TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.C.C.THOMAS (SR.)
SRI.NIREESH MATHEW
SRI.M.G.KARTHIKEYAN**

RESPONDENTS/PETITIONERS:

- 1. C.M.NARAYANAN
S/O.C.V. MUTHUVELAN, RESIDING AT 4029, IST CROSS
HAL, 2ND STAGE, INDIRA NAGAR, BANGALORE.**
- 2. C.N.MUTHUKRISHNAN
S/O.C.M.NARAYANAN, RESIDING AT 4029, IST CROSS
HAL, 2ND STAGE, INDIRA NAGAR, BANGALORE.**
- 3. T.R.RAJANI
W/O.C.M.NARAYANAN, RESIDING AT 4029, IST CROSS
HAL, 2ND STAGE, INDIRA NAGAR, BANGALORE.**

BY ADV. SRI.SAJU.S.A

THIS ARBITRATION APPEALS HAVING COME UP FOR ADMISSION ON 08-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

**C.K. ABDUL REHIM, J.
&
MARY JOSEPH, J.**

Arb. Appeal No. 52 OF 2015

DATED THIS THE 8th DAY OF OCTOBER, 2015

J U D G M E N T

C.K. Abdul Rehim, J:

This appeal is instituted against an order passed by the District Court, Palakkad in I.A. 973/2010 in Arb. O.P 29/2007 dated 22-08-2015. By the impugned order the court below found that it is not proper to appoint any of the petitioners as party receivers and hence invited for submission of panel of Senior lawyers for appointing as Receiver.

2. It is mentioned in the said order that, till the appointment of any Senior lawyer as Receiver, 1st appellant herein will be allowed to continue as Receiver.

3. The appellants had now filed I.A No. 3525/2015. Annexure-B document filed along with the above said application would indicate that the respondents herein have agreed for continuance of the 1st appellant as Receiver, on

the basis that the 1st appellant had paid a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) towards arrears of the amount ordered to be paid. In view of the said development the appellant seeks dismissal of this appeal as not pressed, with a direction to the District Court, Palakkad to expedite disposal of EP No.8/2010 and 9/2010, pending before that court, within a time to be stipulated.

4. Learned Senior counsel appearing on behalf of respondent conceded that they have no objection in directing speedy disposal of the execution petitions pending before the District Court.

5. Hence the above appeal is dismissed as not pressed. The District Court, Palakkad is directed to expedite disposal of EP 8/2010 and 9/2010, at the earliest possible, at any rate within a period of 3 months from the date of receipt of a copy of this judgment.

Sd/-

C.K. ABDUL REHIM, JUDGE.

Sd/-

MARY JOSEPH, JUDGE.

AMG

True copy

P.A. to Judge