

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

CRP.No. 660 of 2013 ()

(E.P.NO.278/2011 IN O.S.NO.298/2009 OF ADDL.SUB COURT, IRINJALAKUDA)

REVISION PETITIONER/JUDGMENT DEBTOR:

**M.V.JOHNYS/O. LATE VAREED,
MALIYEKKAL HOUSE, KATTOOR VILLAGE & DESOM,
MUKUNDAPURAM TALUK.**

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT/DECREE HOLDER:

**M.V.LILLY,
W/O. ALOOR KOKKAN DAVID & D/O. LATE VAREED,
MALIYEKKAL HOUSE, KATTOOR VILLAGE & DESOM,
MUKUNDAPURAM TALUK.PIN-638 001**

**BY ADVS. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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B.KEMAL PASHA, J.

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C.R.P.No.660 of 2013

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Dated this the 9th day of July, 2015

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. Originally a suit for partition was filed. Ultimately, the share, that was allotted to the decree holder herein, was purchased by the petitioner herein, by undertaking that the amount would be paid. An agreement was also executed. The amount was not paid as agreed. Consequently, again the respondent herein was forced to resort to legal proceedings by way of a suit for realization of the amount based on the agreement. That suit was decreed. Again the decree amount has not been paid. Matter is put in execution. Presently, notice under Order 21 Rule 37 was served and ultimately a warrant has been ordered against the petitioner through the impugned order. The said order is under challenge.

3. There is absolutely nothing to interfere with the

impugned order. The impugned order does not suffer from any illegality, irregularity or impropriety. The facts are self speaking. It has to be held that the petitioner has means to pay the decree amount. An amount of ₹50,000/- alone has been paid that too as per the orders of this Court.

4. On hearing either side, this Court is of the view that as a last chance, the petitioner can be permitted to pay of the balance decree debt in three equal monthly instalments commencing from 30.07.2015 onwards. The decree holder shall file a statement of accounts before the court below within one week from today with copy to the judgment debtor. Till then the impugned order shall stand stayed. In case of default of any of the instalments, the order would revive and warrant has to be executed.

This CRP is disposed of as above.

Sd/- **B.KEMAL PASHA**
JUDGE

DSV/9/7/15

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P.A. to Judge.