

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

FAO.No. 340 of 2013 ()

AGAINST THE ORDER PASSED IN E.A.NO.1074/2013 IN E.P.NO.686/2008
IN O.S.NO.896/2002 DT.26.9.2013 ON THE FILE OF THE 1ST ADDL.SUB
JUDGE, THRISSUR

APPELLANT/PETITIONER/2ND JUDGEMENT DEBTOR/2ND DEFENDANT:

POULSON, AGED 54 YEARS
S/O.ARAKKAL OUSEPH, AYYANTHOLE VILLAGE
THRIKUMARADUDOM DESOM, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT/RESPONDENT/DECREE HOLDER/PLAINTIFF:

KOVILAKAM CHITS AND FINANCIAL SERVICES (P) LTD.
REP. BY MANAGING DIRECTOR, KOORKENCHERY P.O.
THRISSUR, THRISSUR DISTRICT - 680001.

R. BY ADV. SRI.C.A.CHACKO

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V ASHA, JJ.

F.A.O No.340 of 2013

Dated this the 1st day of December, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the judgment debtor in E.P No.686 of 2008 in O.S No.896 of 2002 on the file of the First Additional Sub Court, Thrissur, challenging the order in E.A No.1074 of 2013 filed under Order 21 Rule 90 of C.P.C, which was dismissed by order dated 26.09.2013. The respondent/decreed holder filed a suit for recovery of money against the appellant. The suit was decreed and in execution, ultimately an immovable property of the appellant was sold in court auction, and the decree holder itself purchased the property with the leave of the court. By E.A No.1074 of 2013, the appellant applied for setting aside the sale and it was that E.A, which was dismissed by the impugned order.

2. When the appeal was heard, the learned counsel for the appellant confined his prayer for an instalment facility to satisfy the decree. On instructions, the learned counsel for the decree holder also agreed to the request made by the learned counsel for the appellant that he may be allowed to satisfy the

decree in 8 monthly instalments, starting from 15.01.2016.

3. As the respondent has agreed to the above request made by the learned counsel for the appellant, this appeal is disposed of directing that, the appellant will be allowed to satisfy the decree in O.S No.896 of 2002 of the Ist Additional Sub Court, Thrissur in 8 monthly instalments, commencing from 15.01.2016. Subject to payment as above, the delivery ordered in E.P No.686 of 2008 will stand deferred. If the payment is made as above, the court will record satisfaction of the decree and in case default is committed, the decree holder will be at liberty to apply for delivery of the property.

The appeal is disposed of accordingly.

Sd/-
ANTONY DOMINIC
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge