

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

FAO.No. 235 of 2014 ()

I.A.650/2014 IN O.S.300/2013 OF THE PRINCIPAL SUB COURT, KOLLAM DATED
11.04.2014

APPELLANT/PLAINTIFF:

SUNILAL.P
S/O. K.PRAMESHWARAN ACHARY, SUDHA SADANAM
MANJAKKALA P.O., KUNNIKODE, KOLLAM
NOW RESIDING AT PUZHAYORAM, NEDUVANNOOR
AVANEESWARAM P.O., PIDAVOOR VILLAGE, PATHANAPURAM
KOLLAM.

BY ADVS.SRI.S.SUDHEESHKAR
SRI.NIDHI BALACHANDRAN

RESPONDENT/DEFENDANT :

SHANIL.S
S/O. SADANANDAN, THODIYIL VEEDU, KOONAYIL CHERRY
PARAVOOR VILLAGE, KOLLAM-691 301

R1 BY ADV. SRI.AJAYA KUMAR. G

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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F.A.O.No.235 of 2014

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Dated this the 29th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

This appeal is against an order by which the court below has lifted the order of attachment before judgment in a suit for money. The property over which the attachment was cast is a structure which has different flats for occupation and registration was in favour of different persons. Trial court, assessing the different materials on record, accepted the security that was offered holding that it is worth around Rs.40,00,000/- as certified by competent authorities. The question whether the attachment ought to have been continued has been pointedly considered and hence, there is no illegality, irregularity, impropriety or injustice caused to the plaintiff by the trial court having lifted the attachment accepting the security offered by the defendant.

2. We do not see any ground to interfere with the impugned order. Be that as it may, we record the submission of both the parties that they consider mediation as a mode of settlement of dispute. Trial court can consider this as the first option possible

between the parties to the suit from which this appeal arises.

In the result, this appeal is dismissed.

Sd/-

THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

Sbna

True Copy

P.A to Judge