

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

OP(C).No. 1003 of 2013 (O)

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AGAINST THE ORDER/JUDGMENT IN OS 88/1986
of MUNSIFF COURT, OTTAPPALAM
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PETITIONER(S):

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A.SIVADASAN AGED 32 YEARS
S/O.LATE ALIKKAL RAMAN, ALIKKAL HOUSE, KOONATHARA P.O.
KAVALAPPARA (VIA), OTTAPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON**

RESPONDENT(S):

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ADVOCATE RECEIVER K.P.MOHANKUMAR
KAVALAPPARA ESTATE
(RECEIVER APPOINTED BY HON'BLE SUB COURT
OTTAPALAM IN OS NO.26/1965), THOTTAKARA, OTTAPALAM.**

R1 BY ADV. SRI.SANTHEEP ANKARATH

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE COMMISSIONER'S PLAN.

EXHIBIT-P2: TRUE COPY OF THE JUDGMENT IN O.S.NO.88/1986.

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT IN S.A.NO.579/1996 OF THIS HON'BLE COURT.

EXHIBIT-P4: TRUE COPY OF E.P.NO.113/2010 FILED BY THE RESPONDENT BEFORE THE MUNSIF COURT, OTTAPALAM.

EXHIBIT-P5: TRUE COPY OF THE AFFIDAVIT ACCOMPANYING APPLICATION E.A.45/2013.

EXHIBIT-P6: TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE MUNSIF COURT.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.1003 of 2013

Dated this the 11th day of September, 2015

J U D G M E N T

Petitioner is the Judgment Debtor in O.S.No.88 of 1986 on the file of Munsiff Court, Ottapalam. The respondent has obtained a decree for recovery of possession. EP has been filed for its delivery. The prayer in this O.P is to direct the executing court to consider Ext.P6 petition.

2. Heard the learned counsel on either side.

3. Even now the petitioner does not dispute that the respondent is entitled to recover possession of 3 cents comprised in Survey No. 129/1. This is the decree scheduled property. His only request is that the property should be identified before delivery. I think the request is reasonable. The executing court shall depute the Village Officer along with the commissioner to identify the property to be delivered which in fact is the request made in Ext. P6 petition filed by the petitioner in the executing court.

In the result, this O.P. is disposed of with a direction to the executing court to depute the Advocate Commissioner along with the Village Officer to identify the property to be delivered to the respondent. The delivery shall be effected before 30.11.2015.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge