

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

OP(C).No. 8 of 2015 (O)

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(E.P.NO.255/2007 IN OS.NO. 252/2004 OF PRINCIPAL SUB COURT, THALASSERY)
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PETITIONERS:

- 1. MATHEW D. ELAVANKAL,AGED 57 YEARS,
S/O.SEBASTIAN, ELAVANKAL VEEDU, PALATHUMKADAVU P.O.,
KACHERIKADAVU, AYYANKUNNU, KANNUR DISTRICT.**
- 2. VALSAMMA MATHEW, W/O.MATHEW,
ELAVANKAL VEEDU, PALATHUMKADAVU P.O.,
KACHERIKADAVU, AYYANKUNNU, KANNUR DISTRICT.**

BY ADV. SRI.M.SASINDRAN

RESPONDENT:

**THE FEDERAL BANK LTD.,
HEAD OFFICE AT ALUVA, BRANCH OFFICE AT VALLITHODU,
REPRESENTED BY ITS BRANCH MANAGER,
KEEYANTHARA P.O, -670 001,
KANNUR DISTRICT.**

**BY ADV. SRI.A.ANTONY
SMT.LEELAMMA ANTONY**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE JUDGMENT IN OS NO 252 OF 2004 ON THE FILES OF THE SUBORDINATE JUDGES COURT, THALASSERY
- P1(A):- TRUE COPY OF THE DECREE IN OS NO 252 OF 2004 ON THE FILES OF THE SUBORDINATE JUDGES COURT, THALASSERY
- P2:- TRUE COPY OF THE SETTLEMENT DEED DTD 7/6/1995 EXECUTED BY THE MOTHER OF THE IST PETITIONER IN FAVOUR OF IST PETITIONER
- P2(A):- TRUE COPY OF THE SETTLEMENT DEED DTD 1/8/95 EXECUTED BY THE IST PETITIONER IN FAVOUR OF THE 2ND PETITIONER
- P3:- TRUE COPY OF THE EXECUTION PETITION PETITIN FILED BY THE RESPONDENT AS EP NO. 255 OF 2007
- P4:- TRUE COPY OF THE COMMUNICATION ISSUED BY THE KERALA STATE FARMERS DEBT RELIEF COMMISSION TO THE IST PETITIONER
- P4(A):- TRUE COPY OF THE COMMUNICATION ISSUED BY THE KERALA STATE FARMERS DEBT RELIEF COMMISSION TO THE 2ND PETITIONER
- P5:- TRUE COPY OF THE JUDGMENT DTD 11/12/2009 IN WPC NO.35890 OF 2009
- P6:- TRUE COPY OF THE DRAFT SALE PROCLAMATION SUBMITTED BY THE IST PETITIONER
- P6(A):- TRUE COPY OF THE OBJECTION SUBMITTED BY THE IST PETITIONER
- P7:- TRUE COPY OF THE PROCLAMATION OF SALE OF IMMOVABLE PROPERTY, DRAWN UP BY THE SUBORDINATE JUDGES COURT, THALASSERY WHICH THE PETITIONER OBTAINED FROM THE VILLAGE OFFICE, AYYANKUNNU
- P8: TRUE COPY OF THE APPLICATION DATED 14/12/2009 FILED BY THE PETITIONER FOR ADJOURNED SALE.
- P8(A): TRUE COPY OF THE APPLICATION DATED 08/01/2010 FILED BY THE PETITIONER FOR ADJOURNING SALE.
- P8(B): TRUE COPY OF THE APPLICATION DATED 05/02/2010 FILED BY THE PETITIONER FOR ADJOURNING SALE.
- P8(C): TRUE COPY OF THE APPLICATION FILED ON 12/03/2010 FILED BY THE PETITIONER FOR ADJOURNING SALE.
- P9: TRUE COPY OF THE INTERIM ORDER PASSED BY THE HON'BLE COURT DATED 25/11/2010.

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- P9(A): TRUE COPY OF THE INTERIM ORDER PASSED BY THE HON'BLE COURT DATED 24/01/2011.
- P10: TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 35363 OF 2010 DATED 12/07/2013.
- P11: TRUE COPY OF THE ORDER DATED 12/08/2014 IN E.P.NO. 255 OF 2014 IN O.S.NO.252 OF 2004 OF SUBORDINATE JUDGES COURT, THALASSERY.
- P12: A TRUE COPY OF THE JUDGMENT DATED 19/09/2014 IN W.A.NO. 1680 OF 2013.
- P13: A TRUE COPY OF THE PROCLAMATION OF SALE OF IMMOVABLE PROPERTY DRAWN UP BY THE SUBORDINATE JUDGES COURT, THALASSERY.
- P14: A TRUE COPY OF THE SALE DEED DATED 26/03/2014.
- P15: A TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT OF KERALA FIXING THE FAIR VALUE OF THE PETITIONERS PROPERTY.
- P16: A TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT OF KERALA DATED 17/11/2014.
- P16(A): A TRUE COPY OF THE CIRCULAR ISSUED BY THE REGISTRATION INSPECTOR GENERAL DATED 15/11/2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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P. BHAVADASAN, J.

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Dated this the 4th day of February, 2015.

JUDGMENT

The grievance voiced by the petitioners in this petition is regarding the valuation of the property. According to the petitioners, the property will fetch much more than what is shown in the petition.

2. Learned counsel for the decree holder, who is the respondent herein, submits that the court below may be directed to incorporate the valuation shown by the judgment debtors also and then proceed with the matter in accordance with law.

Since the only grievance is regarding the valuation of the property, the court below is directed to incorporate the valuation suggested by the judgment debtors provided they file the valuation statement within two weeks from

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today. Thereafter, the court below shall proceed in accordance with law.

This Original Petition is disposed of as above.

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P. BHAVADASAN,
JUDGE