

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

OP(C).No. 141 of 2015 (O)

IA. NO. 5772/2014 IN O.S. NO. 864/2013 OF PRINCIPAL SUB COURT, THRISSUR

PETITIONER :

**SREE NARYANA BHAKTHA PARIPALANA YOGAM,
KOORKKANCHERRY VILLAGE, DESOM, THRISSUR TALUK
REPRESENTED BY ITS PRESIDENT M.K.SURYAPRAKASH.**

**BY ADVS.SMT.DAISY A.PHILIPOSE
SRI.JAI GEORGE**

RESPONDENT :

**SADANANDAN,
S/O.KOLLARA VELAYUDHAN, KIZHAKKUMBATTUKARA DESOM
CHEMBUKKAVU VILLAGE, THRISSUR TALUK 676101**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

OP(C).No. 141 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: A TRUE COPY OF THE I.A.5772/2014 IN O.S.864/2013 ON THE FILES OF
THE PRINCIPAL SUB COURT, THRISSUR.**

**EXT.P2: A TRUE COPY OF THE COUNTER STATEMENT DATED 30/01/2014 IN
I.A.5772/2014 IN O.S.864/2013 ON THE FILES OF THE PRINCIPAL SUB
COURT, THRISSUR.**

**EXT.P3: A TRUE COPY OF THE ORDER DATED 4/11/2011 IN I.A.5772/2014 IN
O.S.864/2013 ON THE FILES OF THE PRINCIPAL SUB COURT,
THRISSUR.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.BHAVADASAN, J.

O.P.(C) No.141 of 2015

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner before this Court is the defendant in O.S.No. 864/2013 before the Sub Court, Thrissur. That was a suit for money which was dismissed on merits. Going by Order XXXVIII Rule 9, the attachment ought to have been withdrawn immediately. However, the court below passed Ext.P3 order.

2. The learned counsel appearing for the petitioner pointed out that the said order is totally illegal and unsustainable. The respondent had filed R.F.A. No. 748/2014 before this Court and had moved I.A.No. 2612/2014 in the said R.F.A. for attachment and no orders have been obtained so far.

3. In the light of the said fact, the petitioner moved I.A.No.6563/2014 seeking to advance the hearing of I.A.No.

5772/2014 whereby, the defendant has prayed for lifting the attachment.

Apart from the fact that Ext.P3 order cannot be sustained in law and the fact also remains that appeal has already been filed and no orders have been obtained, it is only therefore proper that this petition is disposed of directing the court below to pass appropriate orders in I.A.No. 5772/2014 as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this judgment.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge