

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937**

**OP(C).No. 256 of 2015 (O)**  
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**EP 60/2012 OF II ADDITIONAL DISTRICT COURT, PALAKKAD**  
.....

**PETITIONER(S):**  
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- 1. SALEEM, AGED 42 YEARS,  
S/O.HANEEFA RAWTHER**
- 2. FASEELA, AGED 34 YEARS,  
W/O.SALEEM,  
PETITIONERS ARE RESIDING AT MAYAMKULAM,  
ELAPPULLY, PALAKKAD TALUK, PALAKKAD DISTRICT.**

**BY ADV. SRI.JACOB SEBASTIAN**

**RESPONDENT(S):**  
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**MUTHOOT VEHICLE AND ASSET FINANCE (P) LTD.,  
PALAKKAD REP BY POWER OF ATTORNEY HOLDER  
AND MANAGER A.K SASIKUMAR**

**BY ADV. SRI.SABU S.KALLARAMOOLA**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-06-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

OP(C).No. 256 of 2015 (O)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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**EXHIBIT P1: A TRUE COPY OF THE ORDER DATED NOVEMBER 14, 2014 IN  
EXECUTION APPLICATION NUMBER 175/2013 IN EXECUTION PETITION  
NUMBER 60/2012 OF THE COURT OF THE SECOND ADDITIONAL  
DISTRICT JUDGE OF PALAKKAD.**

**EXHIBIT P2: A TRUE COPY OF EXECUTION APPLICATION NUMBER 480/2014 OF THE  
COURT OF THE SECOND ADDITIONAL DISTRICT JUDGE OF PALAKKAD**

**RESPONDENT(S)' EXHIBITS:**

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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**B.KEMAL PASHA, J.**

.....  
O.P.(C) No. 256 of 2015  
.....

Dated this the 19<sup>th</sup> day of June, 2015

**J U D G M E N T**

Heard the learned counsel for the petitioners and the learned counsel for the respondent. The petitioner herein, as judgement debtor, has filed E.A.175/2013 under Order XXI Rule 89 of the Code of Civil Procedure, 1908, for getting the sale set aside. It seems that initially, the amount specified in the proclamation only was deposited. The court below, through Ext.P1, has allowed the EA on condition of depositing a further amount of ₹26,864/- with other costs of the EP within a period of one month from the date of receipt of Ext.P1 order. The said order is under challenge.

2. It seems that, subsequently, as per the orders of

this Court, the petitioner has deposited the amount covered by Order XXI Rule 89(1)(a) also, which is a sum equal to 5% of the purchase money, as ordered by the court below. When the said amount has been deposited as per the orders of this court, it has to be treated as payment as ordered by the court below in Ext.P1. Therefore, it is declared that the petitioner has complied with Order XXI Rule 89(1)(a) and (b) and therefore, the Ext.P1 order has been complied with.

In the result, this Original Petition is disposed of as above.

**Sd/- B.KEMAL PASHA, JUDGE**

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[True copy]

P.S. to Judge