

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

OP(C).No. 258 of 2015 (O)

E.P.NO.13/14 IN O.P.NO.519/12 OF FAMILY COURT, ERNAKULAM

PETITIONERS:

1. SHISUPALAN, AGED 61 YEARS,
S/O.KUMARAN, VELLIYATH HOUSE, ANNIYAL,
EDAVANAKKAD VILLAGE, ERNAKULAM DISTRICT - 682 502.

2. JAYANTHI, AGED 44 YEARS,
W/O.SHISUPALAN, VELLIYATH HOUSE, ANNIYAL,
EDAVANAKKAD VILLAGE, ERNAKULAM DISTRICT -682 502.

BY ADVS.SRI.M.T.BALAN
SMT.B.VIJUBALA

RESPONDENTS:

1. SUNITHA, AGED 24 YEARS,
D/O.SUNDARAN, ELLANKOTTU HOUSE, MAYABAZAR,
EDAVANAKKAD P.O., ERNAKULAM - 682 502.

2. SABISH, AGED 26 YEARS,
S/O.SHISHUPALAN, VELLIYATH HOUSE, ANNIYAL,
EDAVANAKKAD VILLAGE, ERNAKULAM DISTRICT -682 502.

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C) .No. 258 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P-1: COPY OF THE E.P NO.13/14 IN OP 519/12 DATED 4.3.14
BEFORE THE HONOURABLE FAMILY COURT.

EXT.P-2: COPY OF THE OBJECTION FILED BY THE PETITIONERS/
JUDGEMENT DEBTORS DATED 30.7.14.

EXT.P-3: COPY OF THE PROCEEDINGS ORDER DATED 5.9.14 OF E.P
NO.13/14 IN OP 519/12 OF THE HONOURABLE FAMILY COURT,
ERNAKULAM.

EXT.P-4: COPY OF THE PROCEEDINGS ORDER DATED 24.10.14 OF E.P
NO.13/14 IN OP 519/12 OF THE HONOURABLE FAMILY COURT,
ERNAKULAM.

EXT.P-5: COPY OF THE E.A.NO.153/14 IN E.P NO.13/14 FILED BY
THE PETITIONERS/JUDGEMENT DEBTORS DATED 30.7.14.

RESPONDENTS' EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/6/6/15

B.KEMAL PASHA, J.

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O.P.(C). No.258 of 2015

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Dated this the 3rd day of June, 2015

J U D G M E N T

Service on the 2nd respondent is declared as complete.

2. Exhibit P4 order passed by the Family Court, Ernakulam in E.P.No.13 of 2014 in O.P.No.519 of 2012 is under challenge. By noting down that the judgment debtors having not raised contention of no means to pay, warrants have been ordered to the judgment debtors by acting upon the affidavit of the decree holder.

3. True that it is a compromise decree and that the parties had willingly agreed to pay the amount. But that does not mean to say that at a later stage during execution, the parties cannot challenge the issuance of warrants. It seems that Exhibit P2 objection was filed by the judgment debtors. The same is discernible from Exhibit P3 order also.

4. The petitioner has filed Exhibit P5 application for

review of Exhibit P4 order passed by the Court below. The Court below has to be directed to dispose of Exhibit P5 application prior to the execution of Exhibit P4 order.

In the result, this Original Petition (Civil) is allowed and the court below is directed to dispose of Exhibit P5 as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Till then the execution of Exhibit P4 order shall stand stayed.

Sd/-

B.KEMAL PASHA
JUDGE