

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

OP(C).No. 267 of 2015 (O)

E.P.NO.59/2011 IN ARC NO.2188/2007 OF SUB COURT, KOILANDY.

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PETITIONER/JUDGMENT DEBTOR:

K.M. RAJAN, S/O.PAYICHI, AGED 53 YEARS,
KOMATH MEETHAL HOUSE, KARAYAD P.O.,
KARAYAD DESOM, ARIKULAM VILLAGE,
KOILANDY TALUK, KOZHIKODE- 673 524.

BY ADVS.DR.V.N.SANKARJEE,
SRI.S.SIDHARDHAN,
SRI.V.N.MADHUSUDANAN,
SRI.PRATHAP. S.R.K.,
SMT.R.UDAYA JYOTHI,
SMT.M.SUSEELA.

RESPONDENT/DECREE HOLDER:

THE SECRETARY,
CHEMANCHERY RURAL HOUSING
SOCIETY LTD. NO.D 1941, KOILANDY P.O,
PANTHALAYINI, KOZHIKODE -673 305.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 30-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE CASTE CERTIFICATE DATED 15.06.2011 ISSUED BY THE TAHSILDAR.
- EXHIBIT P2. COPY OF THE SALE DEED DATED 23.04.1998.
- EXHIBIT P3. COPY OF THE ARBITRATION AWARD DATED 23.01.2008.
- EXHIBIT P4. COPY OF THE CIRCULAR DATED 03.05.2007 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXHIBIT P5. COPY OF THE CIRCULAR DATED 22.12.2007 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXHIBIT P6. COPY OF THE CIRCULAR DATED 18.12.2009 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXHIBIT P7. COPY OF THE ORDER DATED 09.10.2009 IN EP. 110/2008 OF THE SUB COURT, KOILANDY.
- EXHIBIT P8. COPY OF EP. 59/2011 DATED 06.07.2011 IN ARC. NO. 2188/2007 OF THE SUB COURT, KOILANDY.
- EXHIBIT P9. COPY OF THE OBJECTION DATED 10.11.2011 IN EP. 59/2011 IN ARC. 2188/07 OF THE SUB COURT, KOILANDY.
- EXHIBIT P10. COPY OF EA. 23/2013 IN EP. 59/2011 IN ARC. NO. 2188/2007 OF THE SUB COURT, KOILANDY.
- EXHIBIT P11. COPY OF THE RATION CARD.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. BHAVADASAN, J.

O.P.(C) No. 267 of 2015

Dated this the 30th day of January, 2015.

JUDGMENT

The only grievance of the petitioner is that the petition, namely, Ext.P10, has been disposed of without granting relief as prayed for by him. It is also pointed out that copy of the order has not been issued to him and that prevented him from taking further steps in the matter. In the meanwhile, the petitioner points out that the case stands posted for delivery of the property.

2. The petitioner seems to have availed of financial facility from a Co-operative Society which ultimately concluded on arbitration proceedings and an award has been passed. The award was put in execution.

3. According to the petitioner, he belongs to Scheduled Caste Scheduled Tribe and as per the orders issued by the Government, no amount could be recovered

from him. On that ground he has fled the petition. His grievance is that the said contention taken by him has not been considered by the court below. Whatever that be, there is an order which is to be challenged in accordance with law.

This petition is disposed of directing the court below to furnish certified copy of the order in Ext.P10 application to the petitioner as expeditiously as possible, at any rate, within ten days from today and delivery of the property shall be kept in abeyance for a period of two weeks from today.

sb.

P. BHAVADASAN,
JUDGE