

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

OP(C).No. 280 of 2015 (O)

PETITIONER(S):

**RAJAN K.S., AGED 58 YEARS,
S/O.LATE K.C.SHANKARAN, KARIAT HOUSE,
LANDMARK APARTMENTS, FLAT NO.E. 1ST FLOOR,
KANNAKUNGARA, KURUKANCHERY, THRISSUR, PIN - 680 007.**

BY ADV. SRI.VIJAI MATHEWS

RESPONDENT(S):

**SHRIRAM TRANSPORT FINANCE COMPANY LTD.M
SALCA TOWERS, OPPOSITE TO RELIANCE SUPER MARKET,
PADIJARE KOTTA, THRISSUR - 680 004.**

BY ADV. SRI.E.M.MURUGAN

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 11-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 280 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1- A COPY OF EXECUTION APPLICATION BEFORE THE HONOURABLE TRICHUR DISTRICT COURT AS E.P.NO.265/2014 IN ARBITRATION CASE NO.15/2013.

EXT. P2- A COPY RECEIPT ISSUED BY THE RESPONDENT FOR RS. 40,000/-

EXT. P3- A COPY RECEIPT ISSUED BY THE RESPONDENT FOR RS. 9,000/-.

EXT. P4- A COPY RECEIPT ISSUED BY THE RESPONDENT FOR RS. 9,000/-.

EXT. P5- A COPY RECEIPT ISSUED BY THE RESPONDENT FOR RS. 10,000/-.

EXT. P6- A COPY OF STATEMENT OF ACCOUNTS A COPY FURNISHED TO THE PETITIONER.

EXT. P7- A COPY OF APPLICATION TO SEEK POLICE ASSISTANCE TO ATTACH THE VEHICLE BY PREFERRING AN EXECUTION APPLICATION NO. 604/2014 IN E.P.265/2014 ON 31.10.2014.

EXT. P8- A COPY OF APPLICATION PREFERRED BY THE PETITIONER BEFORE THE SOLE ARBITRATOR.

EXT. P9: E.A.NO.111 OF 2015 IN E.P.265 OF 2014 BEFORE THE DISTRICT COURT, TRICHUR.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
O.P.(C) No.280 of 2015
.....

Dated this the 11th day of June, 2015

J U D G M E N T

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The matter is relating to EP.265/2014 in Arbitration Case No.15/2013 pending before the District Court, Thrissur. According to the petitioner, the EP is filed on the basis of an ex-parte award passed against the petitioner. There is no bar in putting an ex-parte award in execution. It seems that the petitioner is challenging the execution proceedings and not the ex-parte award.

2. In case the petitioner has any tenable objection to the award, it is for the petitioner to challenge the award in appropriate proceedings. There is no meaning in challenging the execution.

With liberty to challenge the award in appropriate proceedings, this OP(Civil) is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/11/06

// True Copy //
PA to Judge