

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

OP(C).No. 301 of 2015 (O)

(E.A.21/2012 IN E.P.615/2004 IN O.S.969/1999 OF 2ND ADDITIONAL SUB
COURT, THRISSUR)

PETITIONER/CLAIM PETITIONER:

MRS.SHEREEFA SIDDHI, AGED 43 YEARS
WIFE OF SRI SIDDHI, P.O.ENKAKKAD, MANKARA,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE

RESPONDENTS/DECREE HOLDER & JUDGMENT DEBTOR:

1. SASIDHARAN
SON OF AYYAPPAN, KALATHIL HOUSE, KANATTUKARA DESOM
AYYANTHOLE VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT-680 001.
2. RAVINDRA KUMAR
S/O.C.C.AYYAPPAN, RESIDING AT KALATHIL HOUSE
KAVANAM CHITTUR DESOM, CHOVVANNUR VILLAGE
THALAPPILLY TALUK, THRISSUR-680 001.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 301 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT-P1: COPY OF CLAIM PETITION DATED 29.12.2011 FILED BY THE
PETITIONER BEFORE 2ND ADDITIONAL SUBORDINATE JUDGE'S
COURT, THRISSUR.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.301 OF 2015

Dated this the 4th day of February, 2015.

J U D G M E N T

The limited prayer in this original petition under Article 227 of the Constitution of India is for a direction to the 2nd Additional Subordinate Court, Thrissur to take up E.A.No.21/2012 in E.P.No.615/2004 in O.S.No.969/1999 pending before it and dispose it of within a time limit fixed by this Court.

2. The petitioner claims to be the owner of 10.31 Ares of land with a shed situated therein covered by Resurvey No.893/2 of Kuttoor Village. The petitioner happened to obtain the said property in an auction conducted by the Recovery Officer of Debts Recovery Tribunal and in execution of the Sale Certificate No.3067 of 2011 of Sub Registry Office, Ayyanthole executed by the Chief Manager of State Bank of Travancore, Thrissur in favour of the petitioner. The property was mortgaged to the said Bank. Since the debtor failed to discharge the debt, the Bank initiated proceedings under the SARFAESI Act and the property mortgaged

with the Bank was auctioned. The petitioner bid the same and the amount for which she had bid the property was also deposited. It is pointed out that in S.A.No.176/2009 filed by the respondent before the Debts Recovery Tribunal, Ernakulam, the matter was compromised and auction in favour of the petitioner was confirmed. The 1st respondent obtained a decree in the suit and the execution petition filed by the 1st respondent as E.P.No.615/2004 is still pending. The 1st respondent obtained an order of attachment over the property of the petitioner. On coming to know about the attachment so made, the petitioner approached the execution court and moved claim petition as E.A.No.31/2012 stating his claim over the property.

3. The grievance of the petitioner is that the said claim petition is pending for a long time and it is absolutely necessary that the matter is disposed of at the earliest so as to enable her to enjoy the property which she obtained under auction sale.

4. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This original petition is disposed of directing the 2nd Additional Subordinate Court, Thrissur to take up E.A.No.21/2012 in E.P.No.615/2004 in O.S.No.969/1999 pending before it and dispose of the same as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

P.BHAVADASAN
JUDGE

smp