

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(C).No. 323 of 2015 (O)

(OS 361/2008 of PRINCIPAL SUB COURT, PALAKKAD)

PETITIONER:

M/S. THE VENUGOPAL COMPANY
REPRESENTED BY ITS MANAGING PARTNER, SADANANDAN
S/O.ACHUTHAN, AGED 62 YEARS, ANDIMADOM JUNCTION,
MALAMPUZHA, KADUKKAMKUNNU, PALAKKAD-1.

BY ADVS.SRI.T.C.SURESH MENON
SRI.P.S.APPU

RESPONDENT:

T.S.SWAMINATHAN,, AGED 40 YEARS
S/O.LATE SUBRAMANIAN, RESIDING AT PG 1/6
PARAMOUNT GARDEN, LANE-1, PIRAYIRI,
PALAKKAD - 678 019.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 323 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE JUDGMENT IN O.P.(C)NO.1215/2014 ON
THE FILE OF THIS HONOURABLE COURT DATED 28.05.2014.

EXHIBIT P2. TRUE COPY OF THE JUDGMENT IN O.P.(C)NO.2595/2014 ON
THE FILE OF THIS HONOURABLE COURT DATED 12.12.2014.

RESPONDENT(S)' EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.323 OF 2015

Dated this the 5th day of February, 2015.

J U D G M E N T

The limited prayer in this original petition is for a direction to the Principal Sub Court, Palakkad to dispose of E.P.No.214/2012 in O.S.No.361/2008 pending before it within a specified period.

2. The petitioner points out that on two occasions, judgment debtor has approached this Court and got the benefit of instalment facility and on both occasions, he committed default and on the last occasion, as per Ext.P2 order, this Court allowed the respondent-judgment debtor to pay the decree debt in six equal monthly instalments, first of which shall be paid on or before 15.01.2015. The petitioner points out that that payment was defaulted and the case stood posted 24.01.2015. According to the petitioner, there was a submission by the respondent that he obtained a further order of stay and the matter was posted to 30.01.2015. It is pointed out that on that day also, no orders

passed by any court were produced. According to the petitioner, now the case is posted to 05.03.2015.

3. The limited prayer of the petitioner is that the court below may be directed to dispose of E.P No.214/2012 in O.S.No.361/2008 as expeditiously as possible, at any rate, within a time limit fixed by this Court.

4. What remains to be done is only confirmation of sale and delivery of property.

5. Heard the learned counsel appearing for the petitioner. In the nature of the order that is proposed to be passed, it is felt that notice to the respondent is unnecessary.

This original petition is disposed of directing the court below to dispose of E.P No.214/2012 in O.S.No.361/2008 before summer recess unless the respondent is able to produce any stay order from any other courts.

Sd/-

**P.BHAVADASAN
JUDGE**

smp