

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

OP(C).No. 349 of 2015 (O)

E.P.NO.106/2013 IN O.S.NO195/2012 OF SUB COURT, PARAVUR

PETITIONER(S) :

**SHALY, AGED 40 YEARS,
W/O.ANTONY, VALIAPARAMBIL, PANJIPPALLAKARAYIL,
PUTHENVELIKKARA, PARAVUR.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S) :

**SHINEY, AGED 41 YEARS,
W/O.JAMES, THAKKOLKARAN, KUZHIKKATTUSSERRY,
VADAKKUMBHAGOM, MUKUNDAPURAM.**

BY ADV. SRI.DEEPAK JOY.K.

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 08-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** TRUE COPY OF PLAINT IN O.S.NO.195/2012 DATED 04/04/2012
FILED BEFORE THE SUB COURT, PARAVUR.
- EXT.P2:** TRUE COPY OF WRITTEN STATEMENT FIELD BY
THE RESPONDENT IN O.S.NO.124/2012 DATED 09/04/2012.
- EXT.P3:** TRUE COPY OF E.P.NO.106/2013 IN O.S.NO.195/2012 FILED BY
THE RESPONDENT BEFORE THE SUB COURT, PARAVUR.
- EXT.P4:** TRUE COPY OF OBJECTION OF THE PETITIONER IN
E.P.NO.106/2013 IN O.S.NO.195/2012 DATED 12.08.2013 BEFORE
THE SUB COURT, PARAVUR.
- EXT.P5:** TRUE COPY OF SALE PROCLAMATION DATED 19/01/2015 ISSUED
BY THE SUB COURT, PARAVUR.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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O.P.(C). No.349 of 2015

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Dated this the 8th day of June, 2015

J U D G M E N T

An order was passed by this Court on 06.02.2015 directing the petitioner to deposit an amount of ₹2,00,000/- out of the decree amount, within one month from 06.02.2015. By submitting that the condition was complied with, the petitioner got the order extended until further orders on 07.04.2015. It seems that no such amount has been deposited.

2. The present request is for enabling the petitioner to deposit an amount of ₹1,00,000/- out of the said amount today and for an extension of time for depositing the balance amount. The request cannot be granted. It seems

that an award has been passed by the Lok Adalath, wherein the petitioner had agreed to pay an amount of ₹8,00,000/- to the respondent. No amount has been so far paid. The petitioner is permitted to pay the entire balance decree debt in five equal monthly instalments, provided the petitioner is depositing an amount of ₹1,00,000/- today before the court below.

In the result, this Original Petition (Civil) is disposed of by directing the petitioner to deposit an amount of ₹1,00,000/-, out of the decree debt, today before the court below and to pay the balance decree debt in five equal monthly instalments, commencing from 08.07.2015 onwards. The execution proceedings shall stand stayed for the said period. In case of default of any of the instalments, the execution proceedings shall continue.

Sd/-

B.KEMAL PASHA
JUDGE