

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

OP(C).No. 350 of 2015 (O)

EA.1448/2014 IN EP.1650/2014 IN OS.3891/2013 OF PRINCIPAL MUNSIF COURT,
IRINJALAKUDA

PETITIONER(S)/JUDGMENT DEBTOR:

CHANDRAN, AGED 70 YEARS
S/O.KUTTAPPAN, KOONIPARAMBIL HOUSE, ARIPPALAM DESOM
POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.PK.SAJEEV

RESPONDENT(S)/DECREE HOLDER:

1. KARMMALA MATHA CHURCH
ARIPPALAM, POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK
PIN-680688
REPRESENTED BY THE PRESENT VICAR FR.VARGHESE.
2. KARMMALA MATHA CHURCH
ARIPPALAM, POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK
PIN-680688, REPRESENTED BY THE PRESENT TRUSTEE
VARUNNY, S/O.CHAKKALAKKAL KUNJI CHACKO, ARIPPALAM
POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK, PIN-680688.
3. KARMMALA MATHA CHURCH
ARIPPALAM, POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK
PIN-680688, REPRESENTED BY THE PRESENT TRUSTEE, JOHNY
S/O.KOLANKANNI RAPPAL, ARIPPALAM, POOMANGALAM VILLAGE
MUKUNDAPURAM TALUK, PIN-680688.

R1-R3 BY ADV. SRI.P.RAMAKRISHNAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 21-08-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OPC.350/2015

APPENDIX

PETITIONER'S EXHIBITS:

P1 TRUE COPY OF THE PLAINT IN OS.3891/13 OF MUNSIF COURT,
IRINJALAKUDA

P2 TRUE COPY OF THE IA.5296/14 IN OS.3891/13

P3 TRUE COPY OF THE IA.5297/14 IN OS.3891/13

P4 TRUE COPY OF THE PROCEEDINGS IN EP.1650/14 IN OS.3891/13.

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

.....
O.P.(C) No.350 of 2015
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Dated this the 21st day of August, 2015

J U D G M E N T

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It has come out that no notice has been served on the petitioner, who is the judgment debtor in the execution proceedings. Delivery has already been ordered without notice to the judgment debtor. The impugned order is only to be set aside.

In the result, this O.P.(Civil) is allowed and the impugned order is set aside. The matter is remitted to the court below for fresh disposal in accordance with law. Presently, the parties have notice of the proceedings. The parties shall appear before the court below on 10.09.2015. Of course, the judgment debtor shall be given an opportunity to file objections. The court below shall make every endeavour to have an expeditious disposal of the matter on merits.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/21/08

// True Copy //

PA to Judge