

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

OP(C).No. 459 of 2015 ()

EP NO.46/2012 AS EA NO. 36/15 IN ARC 547/2011 OF SUB COURT, THIRUVALLA

PETITIONER :

R.SMITHAKUMARI,
W/O.V.BABURAJAN, NJALIPARAMBIL HOUSE,
MUTHOOR MURI, THIRUVALLA VILLAGE.

BY ADV. SRI.R.GIREESH VARMA

RESPONDENT :

THIRUVALLA CO-OPERATIVE CONSTRUCTION SOCIETY LTD.NO.A-302,
THIRUVALLA P.O., PIN-689 101
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI. T.P. PRADEEP

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 22-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 459 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1: TRUE COPY OF THE AWARD IN ARC 547/2011.

**EXT.P2: TRUE COPY OF THE STATEMENT FILED BY THE RESPONDENT DATED
15-12-2014.**

**EXT.P3: TRUE COPY OF THE PETITION FILED BY THE PETITIONER IN
EP 46/2012 AS E.A. 36/2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

=====

O.P.(C). No.459 of 2015

=====

Dated this the 22nd day of June, 2015

J U D G M E N T

It seems that after passing of the award, substantial payments were made by the petitioner, who is the judgment debtor towards the award amount. Over and above such payments, an amount of ₹50,000/- as per the orders of this Court has also been paid. According to the learned counsel for the petitioner, the balance amounts comes to ₹1,60,000/-. The same is being challenged by the learned counsel for the respondents by saying that the amount comes around ₹2,00,000/-. What ever it is, the present request is a permission to the petitioner to pay off the balance decree debt in 12 equal monthly instalments.

2. On hearing the learned counsel for the petitioner

and the learned counsel for the respondents, this Court is of the view that the said request put forwarded by the petitioner can be granted. The petitioner is permitted to pay off the balance decree debt in 12 equal monthly instalments commencing from 08.07.2015 onwards. The execution proceedings shall stand stayed till then. In case of default of any of the instalments, the E.P. proceedings will continue.

This Original Petition (Civil) is disposed of as above.

Sd/-

B.KEMAL PASHA
JUDGE