

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP(C).No. 521 of 2015 ()

E.P. NO. 72/2014 IN OS 1463/2012 of SUB COURT, CHAVAKKAD.

PETITIONER(S):

SIJI, AGED 41 YEARS,
W/O.LATE DHRUVAN, NEDIYEDATH HOUSE, AKG ROAD,
PAZHANJI VILLAGE, THRISSUR DISTRICT – 680 542.

BY ADVS.SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN
SRI.P.T.GIRIJAN
SMT.USHA NARAYANAN

RESPONDENT(S):

CHERIYAN VARGHESE, AGED 32 YEARS,
S/O.VARGHESE, KOLADY, VADAKKOOT HOUSE,
PORKULAM VILLAGE, THRISSUR DISTRICT – 680 542.

BY ADV. SRI.SANTHOSH P.PODUVAL
BY ADV. SMT.R.RAJITHA
BY ADV. SRI.K.D.SREEVISAKH

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C).No. 521 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE DECREE DATED 27.02.2013 IN O.S.NO.1463/2012 OF THE SUB COURT, THRISSUR.

EXT.P2: TRUE COPY OF E.P.NO.72/2014 IN O.S.NO.1463/2012 DATED 16.06.2014 OF THE SUB COURT, CHAVAKKAD.

EXT.P3: TRUE COPY OF THE DRAFT SALE PROCLAMATION DATED 16.06.2014 IN E.P.NO.72/2014 IN O.S.NO.1463/2012 OF THE SUB COURT, CHAVAKKAD.

EXT.P4: TRUE COPY OF THE RECEIPT DATED 08.12.2014 ISSUED BY THE COUNSEL FOR THE JUDGMENT DEBTOR IN E.P.72/2014 IN O.S.1463/2012 OF THE SUB COURT, CHAVAKKAD.

EXT.P5: TRUE COPY OF THE ORDER DATED 15.01.2015 IN E.P.NO.72/2014 IN O.S.NO.1463/2012 OF THE SUB COURT, CHAVAKKAD.

EXT.P6: TRUE COPY OF THE SALE PROCLAMATION DATED 20.01.2015 IN E.P.NO.72/2014 IN O.S.NO.1463/2012 OF THE SUB COURT, CHAVAKKAD.

RESPONDENT(S)' EXHIBITS

P. BHAVADASAN, J.

O.P.(C). No. 521 of 2015

Dated this the 8th day of April, 2015.

JUDGMENT

The only grievance voiced in this Original Petition is that the entire property attached need not be sold for the reason that the value of the property is much more than the amount due to the decree holder.

2. Learned counsel for the decree holder, respondent, before this Court pointed out that the court below may be directed to consider whether the entire property needs to be sold.

In the result, this Original Petition is allowed, the impugned order is set aside and the matter is remanded to the trial court to find out whether the entire property needs to be sold or whether a portion of the property alone needs to be sold to meet the decree debt.

sb.

P. BHAVADASAN,
JUDGE