

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

OP(C).No. 530 of 2015 (O)

(OS 2889/2005 of III ADDITIONAL MUNSIF COURT, THRISSUR)

PETITIONER:

LEO VINCENT, AGED 43 YEARS,
S/O. VINCENT, THALAKOTTOOR HOUSE, THATTATHIL LANE,
NEAR MOOSPET ROAD, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

POURATHIA KALDAYA SURIYANI SABHA,
REPRESENTED BY ITS CHAIRMAN,
BOARD OF CENTRAL TRUSTEES,
POURASTHIA KALDAYA SURIYANI SABHA, HIGH ROAD,
THRISSUR TALUK, THRISSUR - 1.

BY ADV. SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
BY ADV. SRI.A.R.DILEEP
BY ADV. SRI.MANU SEBASTIAN
BY ADV. SMT.PARVATHY NAIR

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 530 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE PLAINT IN OS NO.2889 OF 2005 ON THE
FILE OF THE MUNSIFF COURT, THRISSUR DATED 16-08-2005.

EXHIBIT P2 TRUE COPY OF THE DECREE IN OS NO.2889 OF 2005 ON THE
FILE OF THE 3RD ADDL. MUNSIFF COURT, THRISSUR DATED
28-02-2009.

EXHIBIT P3 TRUE COPY OF THE RECEIPT ISSUED IN THE NAME OF THE
PETITIONER DATED 10-03-2010.

EXHIBIT P4 A TRUE COPY OF THE OBJECTION OF THE PETITIONER IN
EP NO.1239 OF 2014 IN EXT P1 DATED 12-01-2015.

EXHIBIT P5 A TRUE COPY OF THE OBJECTION OF THE PETITIONER IN
EP NO.1239 OF 2014 IN O.S NO 2889 OF 2005
DATED 13-02-2015.

RESPONDENT'S EXHIBITS: NIL.

// True copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.530 OF 2015

Dated this the 7th day of April, 2015.

J U D G M E N T

Learned counsel appearing for the respondent pointed out that property has been surrendered but amount due has not been paid. It is pointed out that the respondent may be allowed to proceed for releasing the amount due as per the decree.

2. Learned counsel appearing for the petitioner pointed out that the amount has already been deposited and no amounts are due.

3. The above contention is a matter to be gone into at the time when the decree holder proceeds to release the amount due from the petitioner.

This original petition is disposed of reserving the liberty of the respondent to proceed against the petitioner for the amount

due to him as per the decree and the petitioner will be at liberty to show that he has paid necessary amount and no amount is due from him.

Sd/-

**P.BHAVADASAN
JUDGE**

smp