

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP(C).No. 567 of 2015 (O)

E.P.322/2010 IN P.L.P.121/2009 OF ADDITIONAL SUB COURT, IRINAJALAKUDA.
.....

PETITIONER/JUDGMENT DEBTOR:

*BALAN, AGED 70 YEARS,
S/O.DIVAKARAN, PULIPARAMBIL HOUSE,
THALIKULAM VILLAGE AND DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.(CORRECTED)

*THE ADDRESS OF THE PETITIONER IS CORRECTED AS FOLLOWS:

BALAN, S/O.RAMAN, KANAKKASSERY HOUSE,
KAIPAMANGALAM, KODUNGALLUR TALUK,
THRISSUR DISTRICT.

THE PETITIONER'S ADDRESS IS CORRECTED AS PER
ORDER DATED 1.4.2015 IN IA.NO.4928/2015.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT/DECREE HOLDER:

SHYLESH, S/O.DIVAKARAN, PULIPARAMBIL HOUSE
THALIKULAM VILLAGE AND DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT - 680 001.

BY ADV. SRI.SURAJ.S

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 27-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

OP(C).No. 567 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF AWARD NO. 31/09.
- EXT.P2: TRUE COPY OF E.P. 322/10 IN P.L.P. NO. 121/09 BEFORE THE ADDL. SUB COURT, IRINJALAKUDA.
- EXT.P3: TRUE COPY OF THE COUNTER AFFIDAVIT IN E.P. 322/10 IN P.L.P.NO. 121/09 BEFORE THE ADDL. SUB COURT, IRINAJALKUDA.
- EXT.P4: TRUE COPY OF SALE PROCLAMATION DATED 30/05/12 IN EP 322/10 IN PLP NO. 121/09 BEFORE THE ADDL.SUB COURT, IRINJALAKUDA.
- EXT.P5: TRUE COPY OF COUNTER FILED BY THE PETITIONER DATED 09/01/13 IN EP 322/10 IN P.L.P.NO. 121/09 BEFORE THE ADDL. SUB COURT, IRINJALAKUDA.
- EXT.P6: TRUE COPY OF EA 629/13 IN EP 322/10 IN PLP 121/2009 BEFORE THE ADDL.SUB COURT, IRINJALAKUDA.
- EXT.P7: TRUE COPY OF COUNTER FILED BY THE PETITIONER IN EA 629/13 IN EP 322/10 IN PLP 121/09 BEFORE THE ADDL.SUB COURT, IRINAJALAKUDA.
- EXT.P8: TRUE COPY OF ORDER DATED 14/01/2015 IN EP 322/10 IN PLP 121/09 BEFORE THE ADDL.SUB COURT, IRINJALAKUDA.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

.....
O.P.(C) No.567 of 2015

.....
Dated this the 27th day of May, 2015

J U D G M E N T

It seems that earlier in the execution petition a proclamation for sale was settled. There was a request for instalment from the part of the petitioner herein and consequently instalments were granted. Even though some instalments were paid, the petitioner could not continue to make the payment of instalments. Consequent to the violation of the earlier order, the respondent has proceeded with the present E.P. Instead of settling a fresh proclamation, the court below has attempted to proceed with Ext.P4 which is the proclamation which was settled at the earlier stage. The court below has to settle a fresh proclamation and

proceed for sale.

In the result, this Original Petition is disposed of by directing the court below to settle a fresh proclamation and to dispose of the matter, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge