

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

OP(C).No. 588 of 2015 (O)

PETITIONER(S):

- 1. A.G.VARGHESE, AGED 60 YEARS,
S/O.GEORGE, AVIYOTT HOUSE, 28/2809 "GEETHANJALI,
CHILAVANNOOR ROAD, KADAVANTHARA, COCHIN - 20.**
- 2. SUJITHA V. VARGHESE, AGED 58 YEARS,
W/O.VARGHESE, AVIYOTT HOUSE,
28/2809, "GEETHANJALI, CHILAVANNOOR ROAD,
KADAVANTHARA, COCHIN - 20.**

BY ADV. SRI.RAJESH CHERIAN

RESPONDENT(S):

**PERINGOTTUKARA NAMBUDIRI YOGAKSHEMA SABHA,
ANTHIKKAD, REPRESENTED BY ITS PRESENT
SECRETARY K.J.SREEKUMAR,
S/O.JATHAVEDAN, KALLELIL THAMARAPPILLI MANA,
MANALUR DESOM, MANALLOOR VILLAGE, THRISSUR TALUK.**

**BY ADVS. SRI.N.M.MADHU
SMT.C.S.RAJANI**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 29-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 588 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- COPY OF THE AMENDED EXECUTION PETITION NO.180/2011 IN O.S. NO.161/2003
BEFORE THE HONOURABLE SECOND ADDITIONAL SUBORDINATE JUDGES
COURT.**

P2- COPY OF DRAFT SALE PROCLAMATION.

P3- COPY OF OBJECTION TO THE DRAFT SALE PROCLAMATION.

**P4- COPY OF VALUATION CERTIFICATE ISSUED BY THE VILLAGE OFFICER,
POONITHURA VILLAGE.**

**P5- COPY OF PETITION FOR GETTING CERTIFIED COPY OF THE 'B' DIARY
PROCEEDINGS.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

B. KEMAL PASHA, J.

.....
O.P.(C) No.588 of 2015
.....

Dated this the 29th day of July, 2015

J U D G M E N T

The decree in O.S.No.161 of 2003 of the court below, which was passed in the year 2004, was put in execution. It was resisted. Out of the total extent of 10 cents of property, an extent of 4 cents of property was proclaimed for sale. Challenging the inadequacy of the upset price fixed by the court below, the petitioners has come up with this original petition.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. According to the learned counsel for the petitioners, the upset price fixed by the court below is too

low. The argument is that one cent of property will fetch an amount of ₹7 lakhs; whereas the court below has fixed the upset price for the said four cents at ₹1,77,000/-.

4. The learned counsel for the respondent has produced the fair value fixed by the Government, which shows a value of ₹2,00,000/- per Are. The court below shall go as per the said fair value fixed by the Government. Let the four cents of property be proclaimed for sale. The upset price shall be fixed in accordance with the aforesaid fair value. With the said observation, this Original Petition is disposed of thereby directing the court below to proclaim four cents of property for sale by fixing the upset price as aforesaid.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge