

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

OP(C).No. 732 of 2015 (O)

E.P.NO.485/2012 IN OS 125/2008 of I ADDL.SUB COURT,TRIVANDRUM

PETITIONER/1ST DEFENDANT/1ST JUDGMENT DEBTOR:

DR.T. MANIMEGHALAI, AGED 53 YEARS,
W/O.HANIBAL MUTHUSWAMY, MANU NIVAS, NO.20,
SKYLINE PARK, PEYAD, THIRUVANANTHAPURAM,
PRESENTLY RESIDING AT NO.43, FLAT NO.B2
NARAYANI NILAYAM, SAMY STREET, EGMORE,
CHENNAI- 600008.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/PLAINTIFF/DECREE HOLDER & AUCTION PURCHASER:

1. THE TAMILNAD MERCANTILE BANK LTD.,
HHYS BUILDING, CHALAI, THIRUVANANTHAPURAM
NOW AT T.C.38/1459, FIRST FLOOR, PONNI BUILDING,
POWER HOUSE ROAD,TRIVANDRUM,
REP.BY ITS BRANCH MANAGER- 695 004.

2. GURUSWAMY, R.B.BHAVAN,
AYURKONAM, THURUTHUMoola, PEROORKADA P.O.,
THIRUVANANTHAPURAM- 695 005.

R1 BY ADV. SRI.V.V.SURENDRAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C) .No. 732 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXT P1- COPY OF THE RULE 66 NOTICE ISSUED IN EP.NO.485/2012
IN OS.NO.125/2008 OF SUB COURT, THIRUVANANTHAPURAM.

EXT P2- COPY OF THE REPORT SUBMITTED BY THE AMIN IN E.P
NO.485/2012.

RESPONDENTS' EXHIBITS :

NIL

// True Copy //

P.A. To Judge

DSV/22/8/15

B.KEMAL PASHA, J.

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O.P.(C). No.732 of 2015

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Dated this the 20th day of August, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The learned counsel for the petitioner submits that the petitioner has already approached the court below and has filed an E.A. under Order XXI Rule 19 CPC, before the court below. Let the court below consider the matter and pass appropriate orders.

This Original Petition (Civil) is disposed of with the said observations. The court below shall consider the fact that the said E.A. was filed during the period in which the order of stay of execution proceedings passed by this Court, was in force.

Sd/-

**B.KEMAL PASHA
JUDGE**