

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

OP(C).No. 775 of 2015 (O)

E.P.NO. 92/2010 IN OS NO. 102/2008 OF MUNSIFF COURT, PAYYANNUR

PETITIONER :

K.A. ABRAHAM, AGED 66 YEARS
S/O. LATE AUGUSTY, KADUKANMAKKAL HOUSE, ODAKKOLLY
PADAVAYAL VILLAGE AND POST, HOSDURG,
KASARAGOD DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.SATHEESAN ALAKKADAN

RESPONDENT(S) :

1. P.T. THOMAS, AGED 62 YEARS
S/O. THOMAS, PUNCHATHARAPPEL HOUSE
RESIDING AT KARUVANCHAL- 670571, VELLAD VILLAGE
TALIPARAMBA TALUK, KANNUR DISTRICT.
2. LOUKOSE P.T.,
AGED 55 YEARS, S/O. THOMAS
RESIDING AT PUNCHATHARAPPEL VELLAD AMSOM
NADUVIL DESOM-670582, KANNUR DISTRICT.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 24-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 775 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: A TRUE COPY OF THE EP NO.92 OF 2010 OF THE MUNSIFFS COURT
PAYYANNUR.
- EXHIBIT P2: A TRUE COPY OF THE CLAIM PETITION EA NO.100 OF 2014 IN
EP 92 OF 2010 ON THE FILE OF MUNSIFFS COURT, PAYYANNUR.
- EXHIBIT P3: A TRUE COPY OF THE RELEVANT PAGES OF THE COUNTER IN
EA NO. 100 OF 2014.
- EXHIBIT P4: A TRUE COPY OF THE EP NO.93 OF 2010 FILED BY THE 2ND
RESPONDENT AGAINST THE FIRST RESPONDENT.
- EXHIBIT P5: A TRUE COPY OF THE CLAIM PETITION FILED BY THE 2ND
RESPONDENT AS EA NO.104 OF 2014 IN EP NO.93 OF 2010 ON THE
FILE OF MUNSIFFS COURT, PAYYANNUR.
- EXHIBIT P6: A TRUE COPY OF THE COUNTER FILED BY K.A. CHANDY IN
EA NO. 104 OF 2014 IN EP NO.93 OF 2014

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P. BHAVADASAN, J.

O.P.(C). No. 775 of 2015

Dated this the 24th day of March, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India seeking a direction to Munsiff's Court, Payyannur to take up E.P.92 of 2010 and dispose it of as early as possible.

2. The execution petition arises out of O.S. 102 of 2008 which is a suit for recovery of money and eviction of the first respondent from the plaint schedule property. The suit was decreed by judgment dated 21.7.2010. The petitioner took out execution of the decree and E.P. 92 of 2010 was filed. It is pointed out that apart from a number of adjournments, nothing has transpired in the execution petition and that causes considerable difficulties to the petitioner. It is contended that he is unable to enjoy the fruits of the decree for the reason that the proceedings in execution is not in progress.

3. The petitioner points out that it is highly necessary that a direction be issued to the court below to dispose of the execution petition as expeditiously as possible.

4. In the light of the order that is proposed to be passed in this petition, notice to the respondents appears to be unnecessary.

This petition is disposed of directing the Munsiff's Court, Payyannur to take up E.P.92 of 2010 in O.S. 102 of 2008 and dispose of the same as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment. This order will not preclude the court below from deciding any petition pending before it in accordance with law.

sb.

P. BHAVADASAN,
JUDGE