

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

OP(C).No.793 of 2015 (O)

**(AGAINST THE ORDER DATED 10-02-2015 IN EP 515/2012 OF THE 11 ADDITIONAL
DISTRICT COURT,KOLLAM).**

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PETITIONER:

**RIJILAL,AGED 36 YEARS,S/O.CHITHARANJAN,
LAL BHAVAN,EDAYAM P.O.,VAIKOM,
EDAMULAKKAL,ARAKKAL VILLAGE,
KOLLAM -32.**

BY ADV. SMT.INDU SUSAN JACOB

RESPONDENTS:

- 1. MUTHOOT VEHICLE AND ASSET FINANCE LTD,
EARLIER KNOWN AS MUTHOOT LEASING AND FINACE LTD,
MUTHOOT CHAMBERS,KURIEN TOWERS,BANERJI ROAD,
ERNAKULAM,PRESENT ADDRESS IS
COCHIN DENTAL CLINIC BUILDING,1ST FLOOR,
MARKET ROAD,(TOWERS KOMBARA),
COCHIN,REPRESENTED BY ITS POWER OF
ATTORNEY HOLDER MR.PRAVEEN V.V.,AGED 31 YEARS,
S/O.VISWANATHAN NAIR,THENGUMCOTTEE VEEDU,
THRIKKANNAMANGAL,KOTTARAKKARA P.O.,
KOLLAM - 691 506.**
- 2. LALU CHITHARANJAN,AGED 58 YEARS,S/O.SUKUMARAN,
LAL BHAVAN,EDAYAM P.O.,VAIKOM,EDAMULAKKAL,
ARAKKAL VILLAGE,KOLLAM -32.**
- 3. SUSEELA,AGED 56 YEARS,W/O.CHITHARANJAN,
LAL BHAVAN,EDAYAM P.O.,VAIKOM,EDAMULAKKAL,
ARAKKAL VILLAGE,KOLLAM -32.**
- 4. BIJU,AGED 40 YEARS,S/O.GANGADHARAN,
PLAYILA VEEDU,EDAMULAKKAL,PATHANAPURAM,
ARAKKAL VILLAGE,KOLLAM -32.**

BY ADV.SRI.NIDHEESH.S.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 23-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.793 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1- A TRUE COPY OF THE ARBITRATION AWARD DATED 14.12.2011.

**EXT.P2- A TRUE COPY OF THE ORDER DATED 10.2.2015 IN E.P.NO.515/2012 BY
THE ADDITIONAL DISTRICT COURT -II, KOLLAM.**

EXT.P3- A TRUE COPY OF THE NOTICE OF SALE PROCLAMATION.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P. BHAVADASAN, J.

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O.P.(C) No.793 OF 2015

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Dated this the 23rd day of March, 2015

JUDGMENT

The petitioner, who is the judgment debtor in E.P.No.515 of 2012 in Arbitration Reference No.777 of 2011, on the files of the II Additional District Court, Kollam, has approached this Court to set aside the execution proceedings pending before the court below.

2. The petitioner had availed a loan from the 1st respondent for purchasing a vehicle. The default committed by the petitioner in repayment of the loan amount culminated in arbitration proceedings and the arbitrator allowed the claim of the 1st respondent Company, which in turn, resulted in Ext.P2 Execution Proceedings of the court below.

3. The learned counsel appearing for the petitioner submits that the petitioner may be allowed to pay the amount due in installments.

4. Considering the facts and circumstances of the case, this original petition is disposed of with the following directions:

(i) The petitioner shall deposit an amount of Rs.30,000/- (Rupees thirty thousand only) on or before 30.04.2015.

(ii) The balance decree amount shall be deposited in five equal monthly installments, and each of the subsequent installment to be paid on or before 30th of succeeding months.

(iii) If any default of any one installment is made, the execution proceedings pending before the court below will continue. Till then, the execution proceedings will be kept in abeyance.

Sd/-

**P. BHAVADASAN,
JUDGE.**

St/-

The direction contained in clause No.(ii) of paragraph 4 of the judgment dated 23/03/2015 in OP(C) No. 793/2015 is corrected as follows:

“(ii) The balance E.P amount shall be deposited in five equal monthly installments, and each of the subsequent installment to be paid on or before 30th succeeding months.”

vide order dated 03/08/2015 in I.A. No. 9777/2015 in OP(C) No. 793/2015.

Sd/-

Registrar (Judicial)