

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

OP(C).No. 797 of 2015 (O)

(Against the order of 1st Additional Munsiff in charge of Principal Munsiff Court, Ernakulam in E.P.No.287/2014 in O.S.71/2014 dtd. 12.3.15)

PETITIONERS/JUDGMENT DEBTORS:

1. INFINITY REALCON LIMITED.,
REPRESENTED BY ITS MANAGER AND AUTHORISED OFFICER,
SHAJAN K THOMAS, HAVING ITS REGISTERED OFFICE AT 176,
AJC BOSE ROAD, 4TH FLOOR, KOLKATTA - 700014.
2. INFINITY REALCON LIMITED REPRESENTED BY ITS MANAGER
AND AUTHORISED OFFICER SHAJAN K THOMAS, HAVING ITS
REGIONAL OFFICE, 2ND FLOOR, SALIH ARCADE, CONVENT
ROAD, ERNAKULAM - 682 035.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SRI.V.V.SNEHADEVAN

RESPONDENT/DECREE HOLDER:

A. ABDUL SALIM, S/O.VILAYIL ALIKUNJU, AGED 43 YEARS,
ZENITH HOME, UIMMINI P.O, DHONI, PALAKKAD - 678 009.,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
VILAYIL ALIKUNJU, S/O. LATE P. MEERAN KUNJU RAWTHER,
ZENITH HOME, UIMMINI P.O., DHONI, PALAKKAD - 678 009.

BY ADV. SRI.T.M.ABDUL LATHEEF

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 26-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 797/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF ORDER IN E.P.287/2014 IN O.S.71/14 OF
PRINCIPAL MUNSIFF COURT, ERNAKULAM DTD. 12.3.15.

RESPONDENT'S EXHIBITS: NIL.

// True Copy //

P.A. To Judge.

smp

P.BHAVADASAN, J.

**I.A.No.4632 OF 2015 IN
Original Petition (Civil) No.797 OF 2015**

Dated this the 26th day of March, 2015.

O R D E R

The order passed by this Court on 23.03.2015 is very clear and definite. It was specifically mentioned that if the amount is not deposited as directed by this Court, delivery shall be effected on 26.03.2015.

2. In this petition, learned counsel appearing for the petitioners points out that though the petitioners had applied for challan, there was delay in getting the same and that prevented the petitioners from complying with the order of this Court.

3. The above explanation cannot be accepted for more than one reason. There is nothing which prevented the petitioners from either directly tendering the amount to the respondent and filing a memo before the court below or taking a Demand Draft for the said amount and deposit it or hand it over to the

respondent. Having made a belated application for challan, it becomes little grace to seek extension of time.

This petition is without merits and it is accordingly dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp