

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

OP(C).No. 812 of 2015 (O)

E.A.NO.369/2014 IN E.P.101/2013 OF SUB COURT, HOSDURG.
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PETITIONER/RESPONDENT:

**SHAJI.A., AGED 35 YEARS,
S/O.NARAYANAN, RESIDING AT
PUTHANPURA HOUSE, AJANUR KADAPPURAM,
P.O KOLAVAYAL, AJANUR VILLAGE,
HOSDURG TALUK.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT/APPLICANT:

**VIJAYA BANK, KANHANGAD BRANCH,
REP. BY ITS SENIOR MANAGE HAVING
OFFICE AT KANHANGAD, HOSDURG VILLAGE,
HOSDURG TALUK, P.O KANHANGAD - 671 315.**

BY ADV. SMT.LATHA KRISHNAN, SC

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 10-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 812 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE EXECUTION PETITION IN E.P 101/2013 ON THE
FILE OF SUBORDINATE JUDGE,HOSDURG.**

**EXHIBIT P2 : TRUE COPY OF THE OBJECTION IN E.P 101/2013 FILED BY THE
PETITIONER DATED 20.2.2014.**

**EXHIBIT P3 : TRUE COPY OF THE AMENDMENT APPLICATION IN E.A 369/2014 IN
E.P 101/2013 ON THE FILE OF SUBORDINATE JUDGE, HOSDURG.**

**EXHIBIT P4 : TRUE COPY OF THE ORDER IN C.M.P 5179/2011 IN CRIME NO 402/2010
HOSDURG POLICE STATION ON THE FILE OF COURT OF JUDICIAL
FIRST CLASS MAGISTRATE COURT-I,HOSDURG DATED 17-08-2011.**

**EXHIBIT P5 : TRUE COPY OF THE ORDER IN E.A 369/2014 IN E.P 101/2013 ON THE
FILE OF SUBORDINATE JUDGE,HOSDURG DATED 22-1-2015.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

O.P.(C)No. 812 of 2015

Dated this the 10th day of December, 2015

J U D G M E N T

Petitioner is the judgment debtor in OS 106 of 2011 of Munsiff Court, Hosdurg. The respondent-decree holder filed EP 101 of 2013 for execution of the money decree. The only prayer in the EP was to realise the amount by arrest and detention of the petitioner. The application filed by the respondent to amend the EP to incorporate the relief of realisation of the money by attachment and sale of property. It was allowed by the court. This is challenged.

2. Heard.

3. The suit was filed in 2011. The respondent-decree holder has right to apply for execution of the decree by any mode within twelve years. It was sufficient for the respondent to file a separate application instead of amending the execution petition itself. But that does not make any difference. There is no room for any complaint.

In the result, this OP is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**