

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

OP(C).No. 880 of 2015 (O)

**E.P.NO.6/2014 IN A.R.C.NO.609/2011 OF THE SECOND ADDITIONAL DISTRICT
COURT, PALAKKAD.**

PETITIONER(S) :

**ASSAINAR, AGED 49 YEARS,
S/O.AHAMMED RAWTHER, 4/42, PAZHAYAPEEDIKAKKAL,
KIZHAKKEPURAM, MANNUR, PALAKKAD.**

BY ADV. SRI.T.U.SUJITH KUMAR

RESPONDENT(S) :

**SHRIRAM TRANSPORT FINANCE COMPANY LTD.,
II FLOOR, SUNSHINE COMPLEX, T.B.ROAD, PALAKKAD.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP(C).No. 880 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF EXECUTION PETITION NUMBER 6/2014 IN
ARBITRATION CASE NUMBER 609/2011 OF THE COURT OF
THE SECOND ADDITIONAL DISTRICT JUDGE OF PALAKKAD.**

**EXHIBIT P2: A TRUE COPY OF THE COUNTER STATEMENT FILED ON
MARCH 17,2015 IN EXECUTION PETITION NUMBER 6/2014 OF
THE COURT OF THE SECOND ADDITIONAL DISTRICT JUDGE OF
PALAKKAD.**

**EXHIBIT P3: A TRUE COPY OF EXECUTION APPLICATION NUMBER 128/2015 OF
THE COURT OF THE SECOND ADDITIONAL DISTRICT JUDGE OF
PALAKKAD.**

**EXHIBIT P4: A TRUE COPY OF EXECUTION APPLICATION NUMBER 129/2015 OF
THE COURT OF THE SECOND ADDITIONAL DISTRICT JUDGE OF
PALAKKAD.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.BHAVADASAN, J.

O.P.(C) No. 880 of 2015

Dated this the 27th day of March, 2015

J U D G M E N T

The decree holder sought to execute an award obtained in arbitration as per Ext.P1 produced along with this petition. Even though the petitioner was given an opportunity to file objection to the petition, the petitioner did not file the objection within the time limit and filed it belatedly. That is Ext.P2. The only grievance of the petitioner is that before proceeding with the sale of the property belonging to the petitioner, his objection may be considered and orders may be passed thereon.

2. In the light of the order that is proposed to be passed, it is felt that notice to the respondent is unnecessary.

3. The limited prayer is only for consideration of the objection said to have been filed to the execution petition i.e. Ext.P2. It is felt that it is only just and proper that the

objection filed by the petitioner be considered before proceeding further with the execution petition.

In the result, this petition is disposed of directing the District Court, Palakkad to consider Ext.P2 objection said to have been filed by the petitioner to the execution petition before proceeding with the sale of the property.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge