

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(C).No. 924 of 2015 (O)

EP.NO.14/2011 IN O.S.NO.149/2002 OF MUNSIFF'S COURT, DEVIKULAM.

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PETITIONER/DECREE HOLDER/PLAINTIFF:

**PRASANTHA K, AGED 48 YEARS,
W/O. RAJENDRAN, THUSHARAM VEEDU,
K.P.VII/149-B, KOVILKADAVU KARA,
KANTHIPPARA VILLAGE, DEVIKULAM TALUK,
IDUKKI DISTRICT.**

**BY ADVS.SRI.M.R.ARUNKUMAR
SRI.P.SHAMMI NAVAS**

RESPONDENT(S)/JUDGMENT DEBTORS/DEFENDANT:

- 1. RAJENDRAN, AGED 54 YEARS,
S/O. LATE MADAVAN, SUB CONTRACTOR,
KOLLASSERIYIL VEEDU, DANDUKOMBU BHAGOM,
KOVILADAVU KARA, KANTHALLOOR VILLAGE,
DEVIKULAM TALUK.**
- 2. SHYLAJA, D/O. KRISHNAN NAIR,
LIVING TOGETHER WITH RAJENDRAN,
HOUSE-HOLD AFFAIR, KOLLASSERIYIL VEEDU,
DANDUKOMBU BHAGOM, KOVILKADAVU KARA,
KANTHALLOOR VILLAGE, DEVIKULOM TALUK.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. COPY OF THE DECREE IN OS NO. 149 OF 2002 ON THE FILE OF THE MUNSIFF'S COURT, DEVIKULAM DATED 40-03-2003.
- EXT.P2. COPY OF THE JUDGMENT IN OS NO. 149 OF 2002 ON THE FILE OF THE MUNSIFFS COURT, DEVIKULAM DATED 4-3-2003.
- EXT.P3. COPY OF THE EXECUTION PETITION E.P. NO. 14 OF 2011 WITH AFFIDAVIT FILED BEFORE THE MUNISIFFS COURT DEVIKULAM IN OS NO.149 OF 2002 DATED 11-10-2011.
- EXT.P4. COPY OF THE PROSECUTION PETITION FILED BY THE DECREE HOLDER E.A. NO. 107 OF 2011 IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 11-10-2011.
- EXT.P5. COPY OF THE COMMISSION APPLICATION E.A. NO. 37 OF 2014 IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 11-06-2014.
- EXT.P6. COPY OF THE PROOF AFFIDAVIT FILED BY THE DECREE HOLDER IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 18-8-2014.
- EXT.P7. COPY OF THE OBJECTION FILED BY THE JUDGMENT DEBTOR IN E.P. NO.14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 19-12-14.
- EXT.P8. COPY OF THE PETITION, E.A. NO. 7 OF 2015 IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 5-1-2015.
- EXT.P9. COPY OF THE PETITION I.A. NO. 19 OF 2015 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 5-1-2014.
- EXT.P10. COPY OF THE PETITION I.A. NO. 18 OF 2015 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 5-1-15.
- EXT.P11. COPY OF THE OBJECTION FILED BY THE JUDGMENT DEBTORS IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 OF THE MUNSIFFS COURT, DEVIKULAM DATED 5-1-2015.
- EXT.P12. COPY OF THE PROCEEDINGS SHEETS IN E.P. NO. 14 OF 2011 IN O.S. NO. 149 OF 2002 ON THE FILE OF THE MUNSIFFS COURT, DEVIKULAM.
- EXT.P13. COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN OP(C) NO. 92 OF 2014 DATED 10-1-2014.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P. BHAVADASAN, J.

O.P.(C). No. 924 of 2015

Dated this the 1st day of April, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India for the following reliefs:

“i. Issue a direction to Munsiff's Court, Devikulam to dispose of E.P. No. 14 of 2011 in O.S. 149 of 2002 within a time frame that may be fixed by this Honourable Court”

2. The petitioner is the decree holder and he sought execution of the decree and he is still in court though he has obtained the decree as early as in 2003. The petitioner points out that he had taken all necessary steps in the proceedings in execution, but no order has been passed so far. He, therefore, prays that there may be a direction to the court concerned to dispose of the execution petition.

3. After having heard counsel for the petitioner, and having perused the records, it is felt that there is some merit in the grievance voiced by the petitioner.

In the result, this Original Petition is disposed of directing Munsiff's Court, Devikulam to take up E.P. No. 14 of 2011 in O.S. 149 of 2002 and dispose it of as expeditiously as possible, at any rate, within six months from the date of re-opening of the court after summer vacation. It is made clear that this direction will not stand in the way of the court below considering any application that may be filed by the parties in accordance with law.

sb.

P. BHAVADASAN,
JUDGE