

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. 932 of 2015 (O)

E.PNO.19/2012 IN O.S.NO.199/1981 OF THE MUNSIF COURT,NEDUMANGADU.

PETITIONER:

**SASEENRAN NAIR,AGED 67 YEARS,
S/O.MADHAVAN PILLAI,IDAVILAKATHU VEEDU,
NEDUMANOOR,PUNALAL MURI,VELLANADU VILLAGE.**

**BY ADVS.SRI.K.B.PRADEEP
SRI.ASHOK SURESH**

RESPONDENTS:

- 1. KUNJAMMA PILLAI,W/O.PARAMESWARAN PILLAI,
CHAYAKULATHU MUKKOLAYKKAL VEEDU,
VEERANKAVU MURI,VEERANKAVU DESOM,
NOW RESIDING AT KUSAVANKODE KONAM,
CAHIKULAMVEERANKAVU P.O.**
- 2. P.RAJAN,CHAYAKULATHU MUKKOLAYKKAL VEEDU,
VEERANKAVU MURI,VEERANKAVU DESOM,
NOW RESIDING AT KUSAVANKODE KONAM,
CAHIKULAM,VEERANKAVU P.O.**
- 3. P.RADHAKRISHNAN,CHAYAKULATHU MUKKOLAYKKAL VEEDU,
VEERANKAVU MURI,VEERANKAVU DESOM,
NOW RESIDING AT KUSAVANKODE KONAM,
CAHIKULAM,VEERANKAVU P.O.**
- 4. P.GIREESHKUMAR,CHAYAKULATHU MUKKOLAYKKAL VEEDU,
VEERANKAVU MURI,VEERANKAVU DESOM,
NOW RESIDING AT KUSAVANKODE KONAM,
CAHIKULAM,VEERANKAVU P.O**

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

OP (C).No. 932 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE AFFIDAVIT DATED 20.03.2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY/

P.S. TO JUDGE

pk

P.BHAVADASAN, J.

O.P.(C) No. 932 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

The limited prayer in this original petition is for a direction to the Munsiff Court, Nedumangadu to carry on the execution proceedings in E.P.No. 19/2012 in O.S.No. 199/1981.

2. The petitioner is the decree holder in O.S.No. 199/1981 who sought for execution of the decree. The decree was one for putting up of a boundary. Objections were taken by the judgment debtors on the ground that a Second Appeal No. 211/2001 is pending before this Court.

3. The petitioner points out that no interim order staying execution proceedings is in force so far and there is nothing to show that any court for that matter has prevented the execution proceedings being carried on in accordance with law. The grievance of the petitioner is that the execution petition is being simply adjourned from time

to time and the respondents are not very keen about producing the stay order. Under these circumstances, it is prayed that there may be a direction to dispose of the E.P. or to direct the respondents to produce the stay order if they have any.

4. In the nature of the order that is proposed to be passed, it is felt that notice to the respondents is unnecessary.

This petition is disposed of directing the Munsiff Court, Nedumangadu to carry on further proceedings in E.P.No.19/2012 in O.S.No.199/1981 unless the respondents produce any order from any competent court staying the execution proceedings and complete the same within a period of four months from the date of reopening of the court.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge