

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. 949 of 2015 (O)

E.P.NO.93/2010 OF DISTRICT COURT, PALAKKAD.

PETITIONER:

M/S. MUTHOOT VEHICLE AND ASSET FINANCE LTD.,
MUTHOOT CHAMBERS, II FLOOR, OPP. SARITHA THEATRE,
BANERJI ROAD, ERNAKULAM - 18, REPRESENTED BY POWER
OF ATTORNEY HOLDER AND MANAGER, MADHU E,
S/O.LATE KELAPPAN, AGED 35 YEARS, ASST. MANAGER,
MUTHOOT CHAMBERS, II FLOOR, OPP. SARITHA THEATRE,
BANAERJI ROAD, ERNAKULAM - 18.

BY ADV. SRI.SHIJU VARGHEESE

RESPONDENT(S):

1. MANIKANDAN P.K, FATHER'S NAME AND AGE
NOT KNOWN TO THE PETITIONER, VIJAYA NIVAS,
VADAKKETHARA HOUSE, AKATHETHARA,
PALAKKAD, PALAKKAD.P.O., PIN 678 01.
2. GEETHA P, FATHER'S NAME AND AGE NOT KNOWN TO
THE PETITIONER, VIJAYA NIVAS, VADAKKETHARA HOUSE,
AKATHETHARA, PALAKKAD, PALAKKAD.P.O., PIN 678 01.
3. AKATHETHARA SERVICE CO-OPERATIVE
BANK LTD.NO.F 1514, AKATHETHARA, PALAKKAD,
REPRESENTED BY ITS SECRETARY, PALAKKAD,
PALAKKAD.P.O., PIN - 678 001.

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

mbr/

OP(C).No. 949 of 2015 (O)

APPENDIX

PETITIONER EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE EXECUTION PETITION NO.93/2010
DATED 20.6.2010.

EXHIBIT P2 : TRUE COPY OF EA NO.192/2013 DATED 6.6.2013.

EXHIBIT P3 : TRUE COPY OF EA NO.199/2013 DATED 17.6.2013.

EXHIBIT P4 : TRUE COPY OF EA NO.200/2013 DATED 17.6.2013.

EXHIBIT P5 : TRUE COPY OF COUNTER STATEMENT DATED 8.7.2013.

RESPONDENT'S EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.BHAVADASAN, J.

O.P.(C) No. 949 of 2015

Dated this the 01st day of April, 2015

J U D G M E N T

The grievance voiced in this original petition is regarding pendency of a claim petition said to have been filed by the third party which remains unattended to and also the petition filed by the petitioner for delivery which too remains unattended to for the last 21 months.

2. The petitioner seems to have obtained an arbitration award in his favour and it was put execution and proceedings were taken by him. The limited prayer in this original petition is for a direction to the court concerned to dispose of the claim petition said to have been filed by the third party and take such steps as are necessary to have the execution proceedings arrived at a conclusion.

3. 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 court below to take Exts. P2 and P3 filed by the claim petitioner and the petitioner herein and dispose them of in accordance with law, after hearing all parties, as expeditiously as possible, at any rate, within a period of four months from the date of re-opening of the court.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge