

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP(C).No. 1033 of 2015 (O)

E.A. NO. 393/2013 IN E.P. NO. 350/2010 AND E.P. 350/2010 IN
O,S, NO. S129/1985 OF PRINCIPAL MUNSIF COURT,
KOLLAM.

PETITIONER(S):

NOORBANU, W/O. LATE SHAMSUDHEEN,
SAFEER NIVAS, KILIKOLLOOR,
KANIMMEL CHERI,
KOLLAM DISTRICT.

BY ADV. SRI.T.PRASAD

RESPONDENT(S):

1. M.S.SIBI, S/O. SASIDHARAN,
S/O. KRISHNACHARI,
MUDIYIL PADINJATTATHIL VEEDU,
KANNIMMEL CHERRY, KILIKOLLOOR VILLAGE,
KOLLAM, PIN – 691 523.
2. SASIDHARAN, S/O. KRISHNACHARI,
MUDIYIL PADINJATTATHIL VEEDU,
KANNIMMEL CHERRY, KILIKOLLOOR VILLAGE,
KOLLAM, PIN – 691 523.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.C. 1033 OF 2015

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : THE TRUE COPY OF THE COMMON ORDER IN I.A. NO. 1854/08, I.A. NO. 2380/08 AND IN I.A. NO. 2165/09 IN O.S. NO. 129/1985 OF THE PRINCIPAL MUNSIF COURT, KOLLAM.

EXT. P2 : THE TRUE COPY OF THE EXECUTION PETITION IN E.P. NO. 350/2010 OF THE PRINCIPAL MUNSIF COURT, KOLLAM.

EXT.P3 : THE TRUE COPY OF THE CLAIM PETITION E.A. NO. 393/2013 IN E.P. NO. 350/2010 IN O.S. NO. 129/1985 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, KOLLAM.

EXT. P4 : THE TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER AND OTHERS IN E.A. NO. 393/2013 IN E.P. NO. 350/2010 IN O.S. NO. 129/1985 ON THE FILE OF THE PRINCIPAL MUNSIF COURT, KOLLAM.

P. BHAVADASAN, J.

O.P.(C). No. 1033 of 2015

Dated this the 8th day of April, 2015.

JUDGMENT

The limited prayer in this Original Petition is for a direction to the court below to dispose of E.A. 393 of 2013 in E.P. 350 of 2010 in O.S. 129 of 1985 as expeditiously as possible.

2. Petitioner is the decree holder in O.S. 129 of 1985. Eversince the filing of the execution petition, the second respondent went on filing petitions after petitions which were all dismissed by the court below. Now the second respondent came forward with a claim petition as E.A. 393 of 2013 in the execution petition.

3. The petitioner points out that he is put to innumerable difficulties by the filing of the claim petition by the second respondent and that he is unable to enjoy the fruits of the decree.

4. The execution petition was filed in 2010 and five years have elapsed. The claim petition made mention of was filed in 2013.

5. In the nature of the order that is proposed to be passed in this Original Petition, notice to the respondents appears to be unnecessary.

This Original Petition is disposed of directing the Principal Munsiff Court, Kollam to take up E.A. 393 of 2013 in E.P. 350 of 2010 in O.S. 129 of 1985 and dispose it of as expeditiously as possible, at any rate, within a period of three months from the date of re-opening of the court after summer vacation and thereafter proceed to dispose of the Execution Petition in accordance with law.

sb.

P. BHAVADASAN,
JUDGE