

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYASHTA, 1937

OP(C).No. 1043 of 2015 (O)

E.P.NO.46/2012 OF IIIRD ADDITIONAL DISTRICT COURT, THRISSUR

PETITIONER(S)/RESPONDENT :

**ABDUL HAMEED, S/O.PATHUMMOL,
NALAKATHU HOUSE, PAVARATTY P.O.,
THRISSUR DISTRICT.**

**BY ADVS.SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA**

RESPONDENT(S)/CLAIMANT :

**MUTHOOT VEHICLE AND ASSET FINANCE LTD.,
(FORMERLY MUTHOOT LEASING AND FINANCE LTD.),
MUTHOOT CHAMBERS, KURIEN TOWERS, BANERJI ROAD,
ERNAKULAM - 682 018.**

BY ADV. SRI.C.S.MANILAL

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE AWARD IN ARB.REF.NO.119/2010
DATED 12/02/2011.**
- EXT.P2: TRUE COPY OF THE CERTIFICATE ISSUED BY THE GOVT.MEDICAL
COLLEGE HOSPITAL, THRISSUR DATED 20/04/2011.**
- EXT.P3: TRUE COPY OF THE JUDGMENT OF THE J.F.C.M., THRISSUR IN
C.C.NO.2198/2009 DATED 17/09/2014.**
- EXT.P4: TRUE COPY OF THE NOTICE DATED 18/06/2014 ISSUED BY
THE DISTRICT COURT, THRISSUR.**
- EXT.P5: TRUE COPY OF THE OBJECTION DATED 21/10/2014 FILED BY
THE PETITIONER BEFORE THE DISTRICT COURT, THRISSUR.**
- EXT.P6: TRUE COPY OF THE PROOF AFFIDAVIT FILED BY THE PETITIONER
BEFORE THE IIIRD ADDITIONAL DISTRICT COURT, THRISSUR
DATED 17/03/2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1043 of 2015
.....

Dated this the 2nd day of June, 2015

J U D G M E N T

~ ~ ~ ~ ~

It seems that the award under execution is being challenged by the petitioner in execution proceedings. It is the case of the petitioner that substantial amounts were already paid in the matter and the action initiated by the respondent against the petitioner on a cheque that was dishonoured has also ended in favour of the petitioner. The criminal case filed alleging an offence under Section 138 of the Negotiable Instruments Act, 1881, has ended in acquittal of the petitioner. At the same time, it seems that the petitioner has not challenged the arbitral award passed in the matter. It is open to the petitioner to challenge the same in accordance with law. The execution proceedings in the

matter shall be kept in abeyance for one month for enabling the petitioner to move appropriate forum by challenging the award.

With the said observations, this OP(Civil) is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/02/06

// True Copy //

PA to Judge