

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

OP(C).No. 1096 of 2015 (O)

I.A.NO. 5689/2014 IN OS NO. 293/2014 OF FIRST ADDL. SUB COURT, THRISSUR

PETITIONER/RESPONDENT/DEFENDANT :

T.R.DAVID,
S/O.TALAKKOTTUR DEVASSY RAPHEAL,
TC.34/671(1), G.V. RAJA ROAD
SANGHUMUGHAM BEECH P.O.
THIRUVANANTHAPURAM - 695 007.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENT/PETITIONER/PLAINTIFF :

K.SALIM,
S/O.KARUTHAVEETIL BEERU,
MANATHALA VILLAGE, THIRUVATHRA P.O.,
CHAVAKKAD TALUK.

BY ADV. SRI.P.V.CHANDRA MOHAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 1096 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE PLAINT IN O.S.293/2014 ON THE FILE OF FIRST ADDITIONAL SUB COURT, THRISSUR.
- EXT.P2: TRUE COPY OF AGREEMENT DATED 29/05/2013 EXECUTED BETWEEN THE PARTIES.
- EXT.P3: TRUE COPY OF AGREEMENT DATED 08/01/2014 EXECUTED BETWEEN THE PARTIES.
- EXT.P4: TRUE COPY OF AGREEMENT DATED 04/07/2014 EXECUTED BETWEEN THE PARTIES.
- EXT.P5: TRUE COPY OF ORDER PASSED BY FIRST ADDITIONAL SUB COURT, THRISSUR IN IA.NO.5688/2014 ON 06/01/2014.
- EXT.P6: TRUE COPY OF I.A.NO.5689/2014 IN O.S.NO.293/2014 ON THE FILE OF FIRST ADDITIONAL SUB COURT, THRISSUR.
- EXT.P7: TRUE COPY OF THE OBJECTION FILED BY THE DEFENDANT TO EXT.P6.
- EXT.P8: TRUE COPY OF THE ADDITIONAL OBJECTION FILED BY THE DEFENDANT TO EXT.P6.
- EXT.P9: TRUE COPY OF THE ORDER DATED 25/03/2015 IN IA.NO.5689/2014 IN O.S.NO.293/2014 PASSED BY FIRST ADDITIONAL SUB COURT, THRISSUR.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B.KEMAL PASHA, J.

.....
O.P.(C) No.1096 of 2015

.....
Dated this the 3rd day of June, 2015

J U D G M E N T

The present challenge is with regard to Ext.P9 order passed by the court below in IA No.5689/2014 in O.S.No.293/2014, which is a suit for specific performance of a contract. According to the respondent, an amount of Rs.76,63,263/- is due to him from the petitioner. He had applied for an attachment before judgment through IA 5689/2014. The court below after hearing both sides, passed a conditional order of attachment in the form of Ext.P9. It seems that the court below has rightly called upon the petitioner herein to furnish security for the said amount within a period of one month and in the meantime,

an order of attachment of plot Nos.8 to 14 in Ext.A8 plan, was also passed. The said order is under challenge in this petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel for the petitioner has argued that the court below has not entered a formal finding with regard to any apprehension that the respondent with intend to obstruct or delay the execution of the decree, would transfer or alienate the properties. It seems that the respondent has clearly made such averments in the IA. On going through the impugned order this Court does not find anything to interfere with the impugned order passed by the court below, for the time being.

3. The defendant in the suit, who is the petitioner herein is aged 69. The request of the learned counsel for the petitioner is that the court below may be directed to expedite the disposal of the suit by considering the fact that

the petitioner is a senior citizen.

In the result, this Original Petition is disposed of by directing the court below to dispose of the suit as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this judgment.

Sd/-
B.KEMAL PASHA, JUDGE

ul/-

// True Copy //

PA to Judge