

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

OP(C).No.1191 of 2015 (O)

E.P NO.73/2011 IN OS NO.307/1997 of MUNSIF COURT,PERUMBAVOOR.

PETITIONER:

**K.V.GOPALAN,S/O.LATE VELAYUDHAN,BUSINESS,
AGED 69 YEARS,KUZHIMUNDAYIL HOUSE,
KUMANODU KARA,PATTIMATTOM VILLAGE,
PATTIMATTOM P.O,KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT,PIN-683562.**

BY ADV.SRI.SHIJU VARGHEESE

RESPONDENT'S:

- 1. ROSHAN NARAYANAN,S/O.LATE NARAYANAN,
AGED 32 YEARS,KUZHIMUNDAYIL HOUSE
PATTIMATTOM VILLAGE,KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT,PIN-683562.**
- 2. NANDINI NARAYANAN,W/O.LATE NARAYANAN,
AGED 70 YEARS,KUZHIMUNDAYIL HOUSE,
PATTIMATTOM VILLAGE,PATTIMATTOM P.O,
KUNNATHUNADU TALUK,ERNAKULAM DISTRICT,
PIN-683562.**
- 3. DEEPA NARAYANAN,D/O.LATE NARAYANAN,
AGED 34 YEARS,KUZHIMUNDAYIL HOUSE,
KUMMANODU KARA,PATTIMATTOM VILLAGE,
KUNNATHUNADU TALUK,ERNAKULAM DISTRICT,
PIN-683562.**
- 4. DEEPTHI NARAYAN,D/O.LATE NARAYANAN,
AGED 36 YEARS,KUZHIMUNDAYIL HOUSE,
KUMMANODU KARA,PATTIMATTOM VILLAGE,
KUNNATHUNADU TALUK,ERNAKULAM DISTRICT,
PIN-683562.**

R1 TO R4 BY ADV.VIPIN NARAYANAN.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 25-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

pk

OP(C).No.1191 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:

- P1: TRUE COPY OF THE COMPROMISE PETITION FILED IN OS.NO.307/1997
DATED 29.03.2000.**
- P2: TRUE COPY OF THE JUDGMENT IN OS.NO.307/1997 OF THE MUNSIFF'S
COURT, PERUMBAVOOR DATED 31.03.2000.**
- P3: TRUE COPY OF THE EXECUTION PETITION NO.73/2011 IN OS.NO.307/1997
DATED 02.09.2011.**
- P4: TRUE COPY OF THE EA.NO.66/2015 IN EP.NO.73/2011 IN OS.NO.307/1997
DATED 31.03.2015.**
- P5: TRUE COPY OF THE INTERIM REPORT FILED BY THE ADV.
COMMISSIONER IN EP.NO.73/2011 IN OS.NO.307/1997 DATED 21.05.2015**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

.....
O.P.(C) No.1191 of 2015
.....

Dated this the 25th day of May, 2015

J U D G M E N T

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Respondents appear. Heard. It seems that a compromise decree has been passed, and as per the terms of the compromise, the parties have agreed to get the boundary separating their properties based on the re-survey plan. A plan is also appended with the decree showing the said boundary. When the decree was sought to be executed, it seems that there was resistance from the part of the petitioner who is the judgment-debtor in executing the decree.

2. The court below has appointed a Commissioner. Through Ext.P5, the Commissioner has reported that the petitioner has obstructed the putting up of the boundary as per the decree and, therefore, the decree could not be executed. The Commissioner has sought for police aid. It

seems that the court below has granted police aid. On going through the matter, I do not find any reason to interfere with the said order passed by the court below. This OP(Civil) does not deserve consideration at all.

In the result, OP(Civil) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/25/05

// True Copy //

PA to Judge