

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

OP(C).No. 1257 of 2015 (O)

EP. 65/2014 IN OS 251/1999 OF MUNSIF COURT, DEVIKULAM
.....

PETITIONER(S):

**C.RAJU,
S/O.LATE CHOKKALINGAM PILLAI, WARD NO.IX,
MUNNAR PANCHAYATH, NEW MUNNAR DIVISION,
LAKSHMI ESTATE (FORMERLY SEVAN MALAI ESTATE),
MUNNAR, DISTRICT IDUKKI.**

**BY ADVS.SRI.K.REGHU KOTTAPPURAM
SRI.M.MUKESH
SRI.R.MAHESH (KOTTAPPURAM)
SRI.MURUKESH REGHU**

RESPONDENT(S):

**TATA TEA LTD.
(FORMERLY TATA CO. LTD. AND RECENTLY NAMED
AS M/S.TATA GLOBAL BEVERAGES LTD.),
G.H.COMPLEX, MUNNAR, K.D.H.VILLAGE,
DISTRICT IDUKKI - 685 612.**

**BY ADVS. SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 1257 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: A PHOTOCOPY OF JUDGMENT DATED 1/4/2014 IN R.S.A NO.42/2006.

**P2: A PHOTOCOPY OF A PETITION DATED 25/5/2014 SENT BY THE PETITIONER TO
THE 1ST RESPONDENT.**

P3: A PHOTOCOPY OF JUDGMENT DATED 1/12/2006 IN WPC NO.16004/2003.

P4: THE PHOTOCOPY OF THE JUDGMENT DATED 30/9/2012 IN W.A. NO.304/2007.

P5: THE PHOTOCOPY OF NOTICE DATED 30/9/2014.

P6: THE PHOTOCOPY OF EXECUTION PETITION VIDE E.P.NO.65/14 IN OS NO.251/1999.

P7: THE PHOTOCOPY OF THE LEASE DEED DATED 5/7/1962.

**P8: A PHOTO COPY OF THE ORDER DTD.27.5.2015 IN EP.NO.65/2014 IN
OS.NO.251/1999.**

P9: A PHOTO COPY OF THE ORDER DTD.2.6.2015 IN EP.NO.65/2014 IN OS.NO.251/1999.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
O.P.(C) No.1257 of 2015
.....

Dated this the 30th day of June, 2015

J U D G M E N T

A suit for declaration of title and recovery of possession has been decreed. Challenging the said judgement and decree, the matter has gone to the stage of the second appeal. Ultimately, this Court also upheld the judgment and decree through RSA 42 of 2006.

2. The petitioner is the judgement debtor. According to the judgement debtor, he has rights over the property as a tenant and therefore, he is entitled to exemption under Section 3(2)(b) of the Kannan Devan Hills(Resumption of

Lands) Act, 1971. In the RSA also the said question was taken up. This Court found that such a plea was not taken up in the written statement of the petitioner. At the same time, this Court has made it clear in the judgment in the RSA that the said judgment will not stand in the way of seeking any remedy under the above said enactment.

3. According to the petitioner, he approached the Government for getting exemption under Section 3(2)(b) of the said enactment. As his request fell in deaf ears, he has ultimately preferred W.P.(C) No.18320 of 2014 before this Court and the same is pending. The present request in this original petition is to stay the execution proceedings of the decree in the RSA. At any stretch of imagination, the execution of the decree cannot be stalled in view of the judgment in the RSA. The decree can be executed. If at all the petitioner has any grievance in the matter to be redressed, he can have recourse to the proceedings in W.P.(C)No.18320/2014, by seeking proper reliefs.

In the result, this Original Petition is closed, with the above said observations.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge