

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

OP(C).No. 1329 of 2015 (O)

(E.P.NO.486/2013 IN O.S.NO.828/2010 OF 1ST ADDITIONAL SUB COURT, KOZHIKODE)

PETITIONER :

**K.T. BHARATHAN, AGED 68 YEARS,S/O. VALACHI,
RESIDING AT NADUKANDI PARAMBA,
GANDHI ROAD, KOZHIKODE.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT :

**M.P. SURESH BABU,S/O.KANDU VYDIAR,
MANNUPOYIL HOUSE, KUNNAMANGALAM,
KOZHIKODE-673 018**

**BY ADVS. SRI.R.SUDHISH
SMT.M.MANJU**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(C).No. 1329 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER
IN THE E.P**

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 11.3.2015

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

B. KEMAL PASHA, J.

.....
O.P.(C) No.1329 of 2015
.....

Dated this the 10th day of July, 2015

J U D G M E N T

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. A warrant has been issued by the court below for the arrest and detention of the judgement debtor in execution of the decree. It seems that an amount of ₹50,000/-, as ordered by this Court, has been paid and the balance amount comes to around three lakhs.

3. On hearing either side, and on a perusal of Ext.P2 order, this Court is satisfied that Ext.P2 order is not liable to be interfered with. It does not suffer from any illegality, irregularity or jurisdictional error. It has come out

that the judgement debtor is evading payment deliberately.

4. On hearing either side and on considering the facts and circumstances of this case, this Court is of the view that an opportunity can be granted to petitioner to pay of the balance decree debt in 10 equal monthly instalments commencing from 24.07.2015. The petitioner shall file a statement of accounts before the court below showing the balance amount to be paid, within a period of two weeks from today, with copy to the learned counsel for the judgement debtor before the court below. In case of default of any of the instalments, warrant would revive and the same can be executed as against the petitioner.

The Original Petition is disposed of as above.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge