

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

OP(C).No. 1342 of 2015 (O)

OS 234/2011 OF SUB COURT, NEDUMANGAD, DATED 22-10-2011

PETITIONER(S):

**K.VIJAYAKUMARAN NAIR, S/O.KRISHNA PILLAI,
SREEBHADRA FUELS, VELLANAD P.O.,
SREE SAILAM, MELAMCODE, VALIYARA, VELLANADU P.O.,
NEDUMANGAD, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S):

- 1. V.MOHANAN NAIR, S/O.APPUKUTTAN NAIR,
POURNAMI, PERUKAVU, PAYAD P.O.,
THIRUVANANTHAPURAM-695573.**
- 2. ALLAHABAD BANK, POWER HOUSE ROAD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGER-69501.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 11-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE APPEAL MEMORANDUM JUDGMENT, DECREE WITH DELAY
CONDONATION PETITION AND STAY PETITION IN RFA NO.315/15 FILED BY
THE PETITIONER BEFORE THIS HONOURABLE COURT.**
- P2: COPY OF THE APPLICATION FILED BY THE R1 BEFORE THE COURT BELOW
FOR ENFORCING THE BANK GUARANTEE**
- P3: COPY OF THE APPLICATION FILED BY THE R1 BEFORE THE COURT BELOW
FOR APPOINTING SPECIAL MESSENGER**
- P4: COPY OF THE PETITION FILED BY THE PETITIONER IN E.P.NO.18/15 IN OS.234/11
BEFORE THE COURT BELOW FOR KEEPING IN ABEYANCE THE
ENFORCEMENT OF BANK GUARANTEE FOR A PERIOD OF 4 WEEKS.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
O.P.(C) No. 1342 of 2015

.....
Dated this the 11th day of June, 2015

J U D G M E N T

Heard the learned counsel for the petitioner.

2. It seems that RFA 315 of 2015 has been filed before this Court challenging the judgment and decree. The said appeal was filed with an application for getting the delay of 124 days condoned. According to the petitioner, the decree holder has got the posting of the execution petition advanced and has been moving fast for recovery of the amount out of the Bank guarantee. Even though Ext.P4 application was filed before the court below for keeping it in abeyance, no order has been passed. The limited request of the petitioner is to grant four weeks' time to the petitioner

to get orders from this Court in the RFA. For enabling the petitioner to get orders from this Court in RFA, I am of the view that four weeks' time can be granted.

In the result, this Original Petition is disposed of by directing the court below to keep in abeyance the proceedings for the recovery of the decree amount from the Bank guarantee, for a period of four weeks from today.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge