

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

OP(C).No. 1360 of 2015 (O)

IA.2933/2014 IN OS.209/2010 OF PRINCIPAL SUB COURT, IRINJALAKUDA
.....

PETITIONER(S):

**PRAKASH BABU, AGED 49,
S/O. GOPALAN, PADYATH HOUSE, MADAVANA DESOM,
ERIYAD VILLAGE, KODUNGALLORE TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S):

**PURUSHOTHAMAN, AGED 64, BUSINESS
S/O. MAMAN, PARAPARAMBIL HOUSE, KAIPAMANGALAM DESOM,
KAIPAMANGALAM VILLAGE, KODUNGALLORE TALUK,
THRISSUR DISTRICT - 680 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 18-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 1360 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - A TRUE COPY OF THE COMPROMISE PETITION FILED, BEFORE THE LOK ADALATH OF MUNSIFF'S COURT, IRINJALAKUDA DT. 02.12.11.**
- P2 - A TRUE COPY OF THE AWARD PASSED IN LOK ADALATH OF THE SUB COURT IRINJALAKUDA, IN OS 209/2010. DT. 12.9.2012.**
- P3 - A TRUE COPY STATEMENT FILED BY THE JD IN EP 116/2012, I OS 209/2010 DT. 24.5.14.**
- P4 - A TRUE COPY OF THE APPLICATION FILED TO AMEND THE AWARD, IA 2933/2015 IN OS 209/2010 OF THE SUB COURT IRINJALAKUDA DT. 23.7.14.**
- P5 - A TRUE COPY OF THE ORDER IN IA 2933/2014 IN OS 208/2010 BEFORE THE SUB COURT IRINJALAKUDA DT. 11.2.15.**
- P6 - A TRUE COPY OF STATEMENT OF DH FILED BEFORE THE SUB COURT, IRINJALAKUDA IN EP.NO.116 OF 2012 IN OS.NO.209 OF 2010 DTD.24.5.2014.**
- P7 - A TRUE COPY OF EA.749 OF 2014, TO RAISE THE ATTACHMENT FILED BY THE JD IN EP.NO.116 OF 2012 IN OS.NO.209 OF 2010 BEFORE THE SUB COURT, IRINJALAKUDA DTD.13.8.2014.**
- P8 - A TRUE COPY OF APPLICATION TO RELEASE AMOUNT OF RS.1,30,000/- BY THE DECREE HOLDER IN EP.NO.116 OF 2012 IN OS.NO.209 OF 2010 BEFORE THE SUB COURT, IRINJALAKUDA DTD.20.5.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

.....
O.P.(C) No. 1360 of 2015
.....

Dated this the 18th day of June, 2015

J U D G M E N T

On hearing the learned counsel for the petitioner, it has come out that a compromise petition was prepared by the parties and filed before the court below. For giving refund of the entire court fee, the court below has made a reference of the matter to the Lok Adalath. The Lok Adalath, even though was having the compromise petition with them, has gone beyond the scope of compromise entered into between the parties, and passed an award in question. Unfortunately the petitioner could not note down the discrepancies crept in the award and presently the execution is under challenge here. It is for the petitioner to

challenge the award itself, as the Lok Adalath had gone beyond the scope of the compromise entered into between the parties. For enabling the petitioner to challenge the award in question, this Original Petition is disposed of, with such a leave to the petitioner.

In the meantime, the execution proceedings before the court below shall stand stayed for a period of one month.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge