

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

OP(C).No. 1467 of 2015 (O)

OS. NO. 829/2011 OF SUB COURT,ERNAKULAM.

.....

PETITIONER/(1ST DEFENDANT):

**PANKAJAKSHAN, AGED 61 YEARS,
S/O. KARTHYAYINI AMMA, MECHERIL HOUSE,
KUMBALAM VILLAGE & POST, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.S.JIJI.

RESPONDENTS/(PLINTIFF & 2ND DEFENDANT):

- 1. E. SREEKANTH, AGED 35 YEARS,
S/O. PARAMESWARA MENON, VADAKKEDATH HOUSE,
KUMBALA VILLAGE & POST, KANAYANNUR TALUK,
ERNAKULAM DISTRICT, (REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER C.N. GOVINDANKUTTY,
AGED 63 YEARS, S/O. NARAYANA MENON,
CHELAKKARA HOUSE, KUMBALAM VILLAGE & POST,
KANAYANNUR TALUK, ERNAKULAM).**
- 2. KRISHNANKUTTY, AGED 75 YEARS,
S/O. KARTHYAYINI AMMA, MECHERIL HOUSE,
KUMBALAM VILLAGE & POST, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.**

**R1 BY ADVS. SRI.K.C.CHARLES,
SRI.M.POLY MATHAI,
SRI.VIMAL K.CHARLES.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

OP(C).No. 1467 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: TRUE COPY OF THE DECREE PASSED IN OS NO.829/2011 BY THE HON'BLE COURT, ERNAKULAM.

EXHIBIT P2: TRUE COPY OF THE ORDER NO. 182 OF THE SECRETARY DLSA ERNAKULAM.

EXHIBIT P3: TRUE COPY OF THE IA NO.2643/2014 IN AS NO.77/2014.

EXHIBIT P4: TRUE COPY OF THE IA TO AMEND DRAFT SALE DEED.

EXHIBIT P5: TRUE COPY OF THE CORRECTION PETITION DATED 03.02.2015.

EXHIBIT P6: TRUE COPY OF THE EXTENSION APPLICATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(C) No.1467 of 2015
.....

Dated this the 29th day of June, 2015

J U D G M E N T

Heard both sides.

2. A decree for the specific performance of a contract of sale was passed. Complying with the directions of the court below in the decree, the first respondent has applied under Section 28(3) of the Specific Relief Act by depositing the balance sale consideration amounting to around Rs.15 lakhs and also purchased stamp papers by spending huge amounts.

3. According to the learned counsel for the petitioner, presently the petitioner, who is the judgement-debtor, has belatedly preferred an appeal with an application

for condoning the delay. Over and above it, the appeal is filed as an indigent person. For getting an order of stay in the matter, the petitioner seeks for a short adjournment. Within a short adjournment, it is not possible to get the delay condoned and further, it is not possible to get him declared fit to proceed with the appeal as an indigent person. Matters being so, there is no merit in the request of the learned counsel for the petitioner for a 'short time' for getting an order of stay in the appeal. There is no reason to pass an order of stay as prayed for, at present. Hence, this Original Petition is devoid of merits, and is only to be dismissed, and I do so.

In the result, this Original Petition is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge