

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

OP(C).No. 1478 of 2015 (O)

(E.P.NO.200/09 IN O.S.NO.144/06 OF SUB COURT, PATHANAMTHITTA)

PETITIONER:

**THOMAS MATHEW,
S/O.ABRAHAM MATHEW, AGED 59 YEARS,
RESIDING AT J.N.J.HOUSE, UTHIMOODU.P.O,
RANNI TALUK, PATHANAMTHITTA.**

**BY ADVS.SRI.P.A.AZIZ
SRI.I.G.MANOCHARAN
SRI.N.N.PANKAJAKSHAN**

RESPONDENT :

**MALAMOOTTIL LEASING AND HIRE PURCHASE LTD.,
MALAMOOTTIL BUILDINGS, MARKET ROAD, KOZHENCHERRY,
REPRESENTED BY MANAGING DIRECTOR, JACOB THOMAS,
MALAMOOTTIL HOUSE, KOZHENCHERRY-689 641.**

BY ADV. SRI.V.PHILIP MATHEW

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(C).No. 1478 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- THE TRUE COPY OF THE DOCUMENT NO. 123/2007 OF SRO, RANNI.

EXHIBIT P2- TRUE COPY OF SALE PROCLAMATION DATED 31-03-2015.

EXHIBIT P3- TRUE COPY OF THE ACCEPTANCE OF OTS BY SBI, PATHANAMTHITTA.

EXHIBIT P4- TRUE COPY OF THE ORDER DATED 30-06-2007 IN O.S. 144/2006
BEFORE THE SUBORDINATE COURT, PATHANAMTHITTA.

EXHIBIT P5- COPY OF THE RECEIPT NO 47 DATED 25/06/2015

EXHIBIT P6- COPY OF THE COMPLAINT DATED 24/06/2015 SUBMITTED TO CIRCLE
OFFICE, RANNI

EXHIBIT P7- COPY OF THE RECEIPT NO.422/DP/RNY/15 FROM PS DATED 24/6/2015

EXHIBIT P8- COPY OF THE COMPLAINT FILED BEFORE POLICE COMMISSIONER,
PATHANAMTHITTA DATED 28/7/2015

EXHIBIT P9- COPY OF THE COMPLAINT FEE RECEIPT NO.76 DATED 31/07/2015

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

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**O.P.(C).No.1478/2015**  
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Dated this the 2nd Day of September, 2015

J U D G M E N T

The petitioner challenging execution proceedings in E.P.No.200/09 in O.S.No.144/2006 on the file of the Sub Court, Pathanamthitta has approached this Court challenging Ext.P2 proclamation of sale ordered in execution. The petitioner seeks for a direction to permit him to dispose the property in private sale to raise necessary funds.

2. This Court is of the view that such a plea of the petitioner cannot be acceded. The execution petition is filed to execute a compromise decree of the year 2007. I find no merit in the original petition. However, the sale shall be deferred for a period of six weeks to enable the petitioner to settle the liability.

The original petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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