

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937**

**OP(C).No. 1491 of 2015 (O)**  
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**EP NO.211/2011 IN OS NO. 423/2007 OF PRINCIPAL SUB COURT, IRINJALAKUDA  
CMA 61/2015 DISTRICT COURT, THRISSUR**  
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**PETITIONER :**  
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**RAJENDRAN, AGED 53 YEARS,  
S/O. KOTTUVALE VEETIL KOCHAMMA, APPASSYAMMA,  
KARALAM VILLAGE, MUKUNDAPURAM TALUK,  
THRISSUR DISTRICT.**

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

**RESPONDENT :**  
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**SUBHADRA,  
W/O. PARAMESWARAN, KAILATHU VEETIL, AMMADAM DESOM,  
THRISSUR TALUK, THRISSUR DISTRICT- 680563.**

**R1 BY ADV. SRI.PHILIP M.VARUGHESE**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**bp**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- P1 : TRUE COPY OF THE VALUATION CERTIFICATE ISSUED BY CHARTERED ENGINEER E.I.SIDHARTAN.
- P2 : TRUE COPY OF THE ORDER DATED 19-11-2013 IN EA.NO.1052/2013 IN EP.NO.211/2011 IN OS.NO.423/2007 OF PRINCIPAL SUB COURT, IRINJALAKUDA.
- P3 : TRUE COPY OF THE PROOF AFFIDAVIT FILED BY THE PETITIONER IN EA.NO.89/2014 IN EP. NO.211/2011 IN OS.NO.423/2007 BEFORE PRINCIPAL SUB COURT, IRINJALAKUDA.
- P4 : TRUE COPY OF THE ORDER DATED 4-12-2014 IN EA.NO.89/2014 IN EP.NO.211/2011 IN OS. NO.423/2007 OF PRINCIPAL SUB COURT, IRINJALAKUDA.
- P5 : TRUE COPY OF THE APPEAL MEMORANDUM IN CMA. NO.61/2015 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, THRISSUR.
- P6 : TRUE COPY OF THE IA NO.2194/2015 IN CMA.NO.61/2015 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, THRISSUR.
- P7 : TRUE COPY OF THE IA.NO.2195/2015 IN CMA.NO.61/2015 FILED BY THE PETITIONER BEFORE THE DISTRICT COURT, THRISSUR.
- P8 : TRUE COPY OF THE ORDER DATED 12-6-2015 IN EA.NO.497/2015 IN EP.NO.211/2011 IN OS.NO.423/2007 OF PRINCIPAL SUB COURT, IRINJALAKUDA.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

**B.KEMAL PASHA, J.**

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O.P.(C).No.1491 of 2015

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*Dated this the 3<sup>rd</sup> day of July, 2015*

### **J U D G M E N T**

The execution proceedings were stayed by this Court on 25.06.2015. The learned counsel for the respondent submits that the delivery had already been effected on 23.06.2015 with Police assistance, as ordered by the court below.

2. Whatever it is, it is the case of the learned counsel for the petitioner that the effecting of delivery has not been recorded by the court below and the E.P. has not been closed so far. An appeal is pending before the Appellate Court in the matter. Let the appeal be decided on merits.

The court below shall keep the E.P. alive and the parties shall maintain status-quo in the matter as on today till the disposal of the appeal.

The Original Petition (Civil) is disposed of as above.

Sd/-

**B.KEMAL PASHA**  
**JUDGE**

DSV/3/7/15