

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

OP(C).No. 1508 of 2015 (O)

EP.NO.62/2014 OF SUB COURT, HOSDRUG

PETITIONER(S) :

1. M.NARAYANI, AGED 58 YEARS
D/O. POKKAN, MUNGATH HOUSE, KADINJIMoola
THAIKADAPPURAM, PO, THAIKADAPPURAM
NILESWARAM VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
2. M. DINESHAN
AGED 35 YEARS, S/O RAMAN,
MUNGATH HOUSE, KADINJIMoola
THAIKADAPPURAM, P.O. THAIKADAPPURAM
NILESWARAM VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT
3. M. SHYAMA
AGED 34 YEARS, D/O M. NARAYANI,
MUNGATH HOUSE, KADINJIMoola
THAIKADAPPURAM, P.O. THAIKADAPPURAM
NILESWARAM VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
4. M. SEEMA
AGED 35 YEARS, D/O M. NARAYANI,
MUNGATH HOUSE, KADINJIMoola
THAIKADAPPURAM, P.O. THAIKADAPPURAM
NILESWARAM VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENT :

NILESWARAM SERVICE CO-OPERATIVE BANKT LTD.,
REP. BY ITS SECRETARY, NILESHWAR P.O.,
HOSDURG TALUK, KASARGOD DISTRICT
PIN - 671 314.

BY ADV. SRI. T.K. VIPINDAS

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 13-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 1508 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: THE TRUE COPY OF THE JUDGMENT IN OP(C) NO. 1083 OF 2014
 DATED 11/6/2014.**
- EXT.P2: CERTIFIED COPY OF THE CERTIFICATE OF SALE OF LAND BY THE
 SUB-JUDGE, HOSDURG.**
- EXT.P3: THE TRUE COPY OF THE EXECUTION PETITION FILED BEFORE THE
 SUB COURT, HOSDURG.**
- EXT.P4: THE TRUE COPY OF THE ORDER PASSED BY THE SUB-JUDGE,
 HOSDURG DATED 30.5.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
O.P.(C) No.1508 of 2015
.....

Dated this the 13th day of July, 2015

J U D G M E N T

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Heard learned counsel for the petitioners and learned counsel for the respondent.

2. An arbitration award passed under the Co-operative Societies Act, 1969 was put in execution. The property of the petitioners was sold in auction. The respondent bid the property in auction. Sale was confirmed and sale certificate was issued.

2. When the Amin went to the property for delivery, that was obstructed. Thereupon, the delivery was sought to be effected with police aid. The court below has passed Ext.P4 order thereby ordering delivery with police aid. The said order is under challenge.

3. According to the learned counsel for the petitioners, the petitioners have made every arrangement to

sell the property to a third party. The petitioners have sought for a month's time to settle the matter for paying the entire decree debt due to the respondent and to take re-conveyance from the respondent. A month's time is granted as prayed for. Till that time, the delivery shall stand stayed. The violation of the undertaking would result in the revival of the order and in such case, the delivery shall be executed with police aid.

O.P.(Civil) is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/07

// True Copy //

PA to Judge