

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

OP(C).No. 4045 of 2013 (O)

E.P. NO. 81/2009 IN OS NO. 54/2006 OF ADDL. SUB COURT, KOTTAYAM

PETITIONER :

**SIVANANDA PRABHU
S/O. NITHYANANDA PRABHU, AGED 60 YEARS, PARTNER
M/S. G.R. PRABHU AND SONS, K.K. ROAD, KOTTAYAM
RESIDING AT PRABHU'S VILLA, THIRUNAKKARA
KOTTAYAM.**

**BY ADVS.SRI.P.K.MURALEEDHARAN
SRI.SUNU P.JOHN**

RESPONDENT :

**K.M.JOSEPH
S/O. THOMMAN MATHAI, AGED 64 YEARS
RESIDING AT KARIMBUMALIL HOUSE, GANDHINAGAR P.O.,
KOTTAYAM, PIN - 686 008.**

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 06-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP(C).No. 4045 of 2013 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT-P1- TRUE COPY OF THE EX-PARTE JUDGMENT DATED 12/11/2007 IN O.S. NO. 54/2006 IN THE COURT OF THE ADDITIONAL SUB JUDGE, KOTTAYAM IS PRODUCED HERewith AND MARKED AS EXT.P1.
- EXHIBIT-P2- TRUE COPY OF THE E.P 81/2009 IN O.S. NO.54/2006 DATED 02/02/2009 BEFORE THE HON'BLE SUB COURT, KOTTAYAM IS PRODUCED HERewith AND MARKED AS EXT.P2.
- EXHIBIT-P3- TRUE COPY OF THE RECEIPT DATED 10/01/2012 OF RS.2,00,000/- ISSUED BY THE RESPONDENT/PLAINTIFF K.M. JOSEPH IS PRODUCED HERewith AND MARKED AS EXT.P3.
- EXHIBIT-P4- TRUE COPY OF THE SALE PROCLAMATION DATED 19/10/2013 IS PRODUCED HERewith AND MARKED AS EXT.P4.
- EXHIBIT-P5- TRUE COPY OF THE ORDER FOR SALE DATED 11/10/2013 IS PRODUCED HERewith AND MARKED AS EXT.P5.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R1(a) COPY OF THE AGREEMENT DATED 10.3.2012 EXECUTED BETWEEN THE PETITIONER AND RESPONDENT.
- EXHIBIT R1(b) COPY OF THE GOVERNMENT NOTIFICATION FIXING FAIR VALUE FOR THE PROPERTY PUBLISHED IN THE KERALA GAZETTE.

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

.....
O.P.(C) No.4045 of 2013
.....

Dated this the 6th day of July, 2015

J U D G M E N T

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The amount deposited before the court below as per the orders of this Court shall be released to the decree holder.

2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. The parties shall file statement of accounts before the court below within two weeks from today. The court below shall take a decision with regard to the balance amount to be paid by the petitioner, within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall pay such balance amount, if any, in

three equal monthly instalments, commencing from the date of such order by the court below. In the meantime, the execution proceedings will stand stayed. In case of default of any of the instalments, the execution proceedings shall continue.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/07

// True Copy //

PA to Judge