

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

OP(C).No. 1686 of 2015 (O)

E.A.NO.442/2014 IN E.P.NO.664/2012 IN OS 1207/1995 of PRL.SUB
COURT, THIRUVANANTHAPURAM

PETITIONER/2ND JUDGMENT DEBTOR/ADDL.2ND DEFENDANT :

SUDARSANAN, AGED 52 YEARS,
S/O.GANGADHARAN, PANGUVILAKOTHU HOUSE,
KATTAYIKONAM P O, THIRUVANANTHAPURAM TALUK,
THIRUVANANTHAPURAM.

BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER

RESPONDENT (S) /RESPONDENTS:

1. AJITHA, AGED 46 YEARS,
W/O.V.MOHANAN, ANITHA BHAVAN, KATTAYIKONAM P O,
AIROORPARA VILLAGE, THIRUVANANTHAPURAM, PIN 695584

2. RAJAN,
S/O.GANGADHARAN, PANGUVILAKOTHU HOUSE,
KATTAYIKONAM P O, THIRUVANANTHAPURAM TALUK,
THIRUVANANTHAPURAM, PIN 695584.

R1 BY ADV. SRI.M.BALAGOVINDAN
R1 BY ADV. SRI.V.BAHULEYAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(C) .No. 1686 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE JUDGMENT AND DECREE DTD 30/6/2005 IN OS NO 1207 OF 1995 OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.

P2:- COPY OF DECREE DTD 1/8/2012 IN RFA 575/2005 OF THIS HON'BLE COURT.

P3:- COPY OF THE EP NO 664/2012 IN O.S.NO.1207/95 ON THE FILE OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.

P4:- COPY OF OBJECTION DTD 21/6/2014 IN EP NO 664/2012 IN O.S.NO.1207/95 ON THE FILE OF THE PRINCIPAL SUB COURT, THIRUVANANTHAPURAM.

P5:- COPY OF EA NO 442 OF 2014 IN O.S.NO.1207/95.

P6:- COPY OF THE ADDITIONAL OBJECTION DTD 11/1/2015 OF THE PETITIONER.

P7:- COPY OF THE TAX PAID RECEIPT IN THE NAME OF THE PETITIONER.

P8:- COPY OF THE BUILDING OWNERSHIP CERTIFICATE DTD 29/11/2012 ISSUED BY THE CORPORATION OF THIRUVANANTHAPURAM.

P9:- COPY OF EA NO 402 OF 2015 IN EP 664/2012 IN O.S.NO.1207/95.

P10:- COPY OF THE ORDER DTD 24/6/2015 IN EA NO 442/2014 IN EP 664/2012 PASSED BY PRINCIPAL SUB COURT THIRUVANANTHAPURAM.

P11:- COPY OF THE DRAFT SALE DEED.

RESPONDENTS'S EXHIBITS :

R1(A):- COPY OF THE JUDGMENT IN R.F.A.575/2005 BEFORE THIS HON'BLE COURT DATED 1.8.2012.

R1(B) COPY OF THE SALE DEED DATED 22.06.2015.

// True Copy //

P.A. To Judge

DSV/22/8/15

B.KEMAL PASHA, J.

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O.P.(C). No.1686 of 2015

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Dated this the 20th day of August, 2015

J U D G M E N T

On going through the impugned order and on hearing either side, this Court is satisfied that there is absolutely nothing to interfere with the impugned order. At the same time, the learned counsel for the petitioner has pointed out that Exhibit P9 commission application was filed by the 1st respondent/decreed holder before the court below and during the pendency of the Original Petition, the same was allowed by the court below. The limited request at present is that, the said Commissioner may be directed to ascertain the matters requested for by the petitioner also.

2. The learned counsel for the 1st respondent submits that the said Commissioner appointed by the court below has already visited the property and has filed the report

before the court below. Matters being so, this is not a stage at which this Court can direct the Commissioner appointed by the court below again to visit the property and ascertain the matter.

In the result, this Original Petition (Civil) is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/20/8/15