

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

OP(C).No. 1799 of 2015 (O)

OS 331/2010 of MUNSIF COURT, MANJERI

PETITIONER(S):

PULLANITHODI POONKUZHI UMMER, AGED 57 YEARS
S/O. MOOSAKKUTTY HAJI, PORUR AMSOM DESOM, PORUR P.O.
MALAPPURAM-679 339.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT(S):

1. PULLANITHODI POONKUZHI AHAMMED
S/O. MOOSAKKUTTY HAJI, PULLANITHODI POONKUZHI HOUSE
VELLAYOOR AMSOM DESOM, VELLAYOOR P.O.
MALAPPURAM-679 328.
2. PULLANITHODI POONKUZHI HARSHAD KHAN
S/O. AHAMMED, PULLANITHODI POONKUZHI HOUSE
VELLAYOOR AMSOM DESOM, VELLAYOOR P.O.
MALAPPURAM-679 328.
3. PULLANITHODI POONKUZHI HYDERALI ASHRAF KHAN
S/O. AHAMMED, PULLANITHODI POONKUZHI HOUSE
VELLAYOOR AMSOM DESOM, VELLAYOOR P.O.
MALAPPURAM-679 328.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE DECREE IN OS NO.331 OF 2010 PASSED BY THE MUNSIF COURT, MANJERI, DTD.15.11.2010.

P2 : COPY OF THE EXECUTION PETITION IN EP NO.254/2011 IN OS O.331/2010 ON THE FILE OF MUNSIF COURT, MANJERI, DTD.15.3.2011.

P3 : COPY OF THE OBJECTION IN EP NO.254/2011 IN OS NO.331 OF 2010 ON THE FILE OF MUNSIF COURT, MANJERI, DTD.20.10.2011.

P4 : COPY OF THE EA NO.308/2014 IN EP NO.254/2011 IN OS NO.331 OF 2010 ON THE FILE OF MUNSIF COURT, MANJERI, DTD.16.10.2014.

P5 : COPY OF THE EA NO.309/2014 IN EP NO.254/2011 IN OS NO.331 OF 2010 ON THE FILE OF MUNSIF COURT, MANJERI, DTD.16.10.2014.

P6 : COPY OF THE ORDER PASSED IN EA NO.308/2014 IN EP NO.254/2011 IN OS NO.331 OF 2010 PASSED BY THE MUNSIF COURT, MANJERI, DTD.23.5.2015.

P7 : COPY OF THE ORDER PASSED IN EA NO.309/2014 IN EP NO.254/2011 IN OS NO.331 OF 2010 PASSED BY THE MUNSIF COURT, MANJERI DTD.23.5.2015.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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O.P.(C) No.1799 of 2015
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Dated this the 27th day of July, 2015

J U D G M E N T

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Heard learned counsel for the petitioner.

2. The concerned EA was filed before the execution court seeking to get the decree amended. In fact, the petitioner ought to have moved in the trial side under Section 152 CPC. May be as a shortcut, the other way out was adopted.

Without prejudice to the right of the petitioner to move the trial side under Section 152 CPC, this O.P.(Civil) is closed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/27/07

// True Copy //

PA to Judge