

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

OP(C).No. 1839 of 2015 (O)

O.S. NO. 37/2015 OF SUB COURT, PALA

PETITIONER :

**MARIYAMMA SINGH, AGED 68 YEARS,
W/O.SUREENDAR SINGH, PAUL VILLA, RAMAPURAM BAZAR P.O.
VELLILAPPALLY KARA, MEENACHIL TALUK,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT :

**M.M. GEORGE, AGED 64 YEARS,
S/O. MICHAEL, MURINGAYIL HOUSE, PRAVITHANAM P.O.
PRVITHANAM KARA, BHARANANGANAM VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT 686 004.**

BY ADV. SRI.M.NARENDRA KUMAR

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE PLAINT IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA.
- P2: TRUE COPY OF I.A.NO.420 OF 2015 IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA.
- P3: TRUE COPY OF I.A.NO.570/2015 IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA.
- P4: TRUE COPY OF THE I.A.NO.569/2015 IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA.
- P5: TRUE COPY OF THE OBJECTION IN IA NO.570/2015 IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA.
- P6: TRUE COPY OF THE ORDER DATED 4.7.15 IN IA NO.420 OF 2015 IN OS NO.37/2015 OF THE SUBORDINATE JUDGES COURT, PALA

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. ABRAHAM MATHEW, J.

O.P.(C)No. 1839 of 2015

Dated this the 7th day of October, 2015

J U D G M E N T

Petitioner is the plaintiff in O.S.No.37 of 2015 which has been filed against the respondent on an agreement for sale. The amount claimed in the suit is Rs.22,15,217/- (Rupees Twenty two lakhs fifteen thousand two hundred and seventeen only), it was attached on the Order 38 Rule 5 C.P.C. By Ext.P6 order, the learned sub Judge ordered withdrawal of the attachment on the respondent furnishing security for Rs.22,15,000/- (Rupees Twenty two lakhs fifteen thousand only). In O.P it is submitted that the security should have been furnished for a higher amount.

2. Heard.

3. If the agreement for sale is genuine the Petitioner has a statutory charge on the property. In fact he has claimed it in the plaint. It was not at all proper for the court to attach the property. It is seen that the interest claimed is 18% per annum. It is very doubtful whether the amount Rs.1,26,217/- (Rupees One lakh twenty six thousand two hundred and seventeen only)

claimed also can be allowed. Having regards to these facts I am not inclined to interfere with the order.

In the result, this O.P is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge