

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

OP(C).No. 2040 of 2015 (O)

AS.NO. 5/2015 OF DISTRICT COURT, ALAPPUZHA

PETITIONER :

KUMARAN
AGED 82, S/O.KUTTY SANKARAN,
NIKARTHIL, KOMALAPURAM
AVALUKKUNNU P.O., ALAPPUZHA-688 006.

BY ADV. SRI.P.SHANES METHAR

RESPONDENT(S) :

1. THANKAMMA,
AGED 65 YEARS, W/O.RAJAPPAN,
KIZHAKKEPURAYIL, CHEMBU VILLAGE
VAIKOM, KOTTAYAM DISTRICT-688 026.
2. CHANDRAMATHI,
AGED 61, W/O.LATE SADANANDAN,
MANKUZHIVELI, MUHAMMA P.O.
ALAPPUZHA DISTRICT-688 523.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 03-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 2040 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

EXT.P1. TRUE COPY OF THE FINAL DECREE IN OS.NO. 151/2008 ON THE FILE
OF THE MUNSIFFS COURT, ALAPPUZHA.

EXT.P2. TRUE COPY OF THE MEMORANDUM OF APPEAL IN AS NO.5/2015 OF
THE DISTRICT COURT, ALAPPUZHA.

EXT.P3. TRUE COPY OF THE IA NO.51/2015 IN AS NO.5/2015 OF THE DISTRICT
COURT, ALAPPUZHA.

EXT.P4. TRUE COPY OF THE EP NO.181/2014 ON THE FILE OF THE
ADDL. MUSNIFFS COURT, ALAPPUZHA.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

O.P.(C) No.2040 of 2015

Dated this the 3rd day of September, 2015

JUDGMENT

The petitioner, as against decree and judgment filed an appeal before the District Court, Alappuzha. The appeal is numbered as A.S.No.5/2015. The petitioner seeks a relief to keep the execution petition filed in decree in abeyance till the disposal of the appeal.

This Court is of the view that it is for the petitioner to seek appropriate relief before the District Court in the appeal and not by way of an original petition. With liberty to approach the District Court to seek appropriate relief by filing an application for stay against execution of the decree, the original petition is disposed of. The petitioner's requests for an early disposal of the appeal is also declined for the simple reason that the appeal is only of the year 2015.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In