

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

OP(C).No. 2083 of 2015 (O)

PETITIONER :

**BEYON JOSEPH, AGED 34 YEARS,
S/O. ALIKKARAKUNNEL JOSEPH, VADDOOKKARA,
KOORKANCHERY, THRISSUR.**

BY ADV. SRI.K.A.SREEJITH

RESPONDENT :

**SREEDHANA KURIES,
ERINJERY ANGADI, THRISSUR 1.**

BY ADV. SRI.K.A.SATHEESA BABU

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 23-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF EXECUTION PETITION NO.533/2012 IN OS.967/2006 IN THE FILES OF HONOURABLE SUB COURT, THRISSUR.
- P2: THE TRUE COPY OF SAANAD CERTIFICATE ISSUED IN FAVOUR OF RESOURCE INDIA KURIES PVT LTD.
- P3: THE TRUE COPY OF COUNTER FILED BY PETITIONER.
- P4: THE TRUE COPY OF AFFIDAVIT FILED FROM THE SIDE OF RESPONDENT.
- P5: THE TRUE COPY OF ORDER OF PERSONNEL EXECUTION

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. ABRAHAM MATHEW, J.

O.P.(C)No.2083 of 2015

Dated this the 23rd day of September, 2015

J U D G M E N T

Petitioner is the third judgment debtor in O.S.No.967 of 2006 on the file of Sub Court, Thrissur. The respondent/decree holder filed EP for realisation of decree debt. On the application of the respondent notice under Order 21 Rule 37 CPC was issued to him. He filed objection raising plea of no means. The respondent filed affidavit to prove the means of the Petitioner. But the counsel did not cross-examine the witness. The court has ordered his arrest and detention. This is challenged.

2. Heard.

3. The petitioner's case is that he is jobless and he had gone in search of job, which is why he could not take part in the proceedings. It appears that he entered into the alleged transaction immediately after his attaining majority. I think the facts and circumstances of the case justify granting him an opportunity to cross-examine the witness of the respondent.

In the result, Ext.P5 stands set aside on the petitioner depositing in the executing court Rs.25,000/- (Rupees. Twenty five thousand only) within one month from today. If he fails do so Ext.P5 order will stand confirmed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge