

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

OP(C).No. 2118 of 2015 (O)

EP.151/2014 IN AR 12/2008 OF SUB COURT, SULTHAN BATHERY
.....

PETITIONER(S):

**SHEEBA MOHANAN,
W/O.MOHANAN, PULIKKAL HOUSE, KOLARI P.O.,
POOTHADI AMSOM, SULTHAN BATHERY, WAYANAD - 673 592.**

**BY ADVS.SRI.N.SUKUMARAN (SR.)
SRI.S.SHYAM**

RESPONDENT(S):

**CO-OPERATIVE HOUSING SOCIETY,
SULTHAN BATHERY, REPRESENTED BY ITS SECRETARY,
SULTHAN BATHERY P.O., WAYANAD DISTRICT - 673 592.**

BY ADV. SMT.PRIYA ELIZABETH BABU

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP(C).No. 2118 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE EXECUTION PETITION NO.151 OF 2014 PENDING BEFORE
THE SUB COURT, SULTHAN BATHERY.**

EXHIBIT P2. COPY OF THE DRAFT SALE PROCLAMATION WITHOUT DATE.

**EXHIBIT P3. COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE KERALA FARMERS DEBT RELIEF COMMISSION ACT 2006
DATED 29.6.15.**

**EXHIBIT P4. COPY OF THE INTERIM ORDER DATED 24.3.15 ISSUED BY THE
HONOURABLE HIGH COURT OF KERALA IN OPC 805/15.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

O.P.(C)No.2118 of 2015

Dated this the 30th day of November, 2015

J U D G M E N T

Petitioner is the respondent/judgment debtor in Ext.P1 EP. The award sought to be executed is for payment of money. The petitioner has filed an application before the Kerala Farmers Debt Relief Commission. The prayer in this OP is to stay the execution proceedings till the commission takes a decision on Ext.P3 application.

2. Heard.

3. Learned counsel for the respondents submits that the offer of the petitioner to pay the debt in installments is not acceptable. This court has no discretion in this matter.

4. Ext.P3 application was filed before the Debt Relief Commission only on 29.06.2015. It appears that the commission can dispose it of within three months. So the executing court shall not proceed with the execution for three months within which period the petitioner shall try to get his application disposed of by the commission.

In the result this OP is disposed of. The executing court is directed not to proceed with the execution for three months. The petitioner shall try to get his application filed before the Kerala Farmers Debt Relief Commission disposed of within three months. If it is not disposed of within three months, the respondent/deGREE holder can proceed with the execution.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge