

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

OP(C).No. 2156 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN AS 134/2015 of DISTRICT COURT, KOLLAM

PETITIONER(S):

1. GRIGARI MICHAEL, AGED 73 YEARS
S/O. GRIGARI, KANAN BHAVANAM, VENGAMURI,
MYNAGAPPILLY VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.
2. ANNAMMA, AGED 67 YEARS,
W/O. GRIGARI MICHAEL,
KANAN BHAVANAM, VENGAMURI,
MYNAGAPPILLY VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

BY ADV. SMT.KEERTHI SOLOMON

RESPONDENT(S):

HUSSAIN KUNJU, AGED 44 YEARS
S/O. MYTHEENKUNJU, KALEECKAL HOUSE,
MANAPPALLY NORTH P.O., PAVEMPA VILLAGE,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT - 690 518.

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1- A TRUE COPY OF THE JUDGMENT IN O.S.NO.581/2012 DATED 31.01.2015 OF THE SUB COURT, KARUNAGAPPALLY.

EXHIBIT P2- A TRUE COPY OF THE APPEAL MEMORANDUM AND DELAY CONDONATION AND STAY PETITION IN A.S.NO.134/2015.

EXHIBIT P3 - A TRUE COPY OF THE NOTICE DATED 05.08.2015 ISSUED FROM THE HONOURABLE SUB COURT, KARUNAGAPPALLY IN E.P.NO.34/2015 IN O.S.581/2012.

EXHIBIT P4- A TRUE COPY OF THE ATTACHMENT NOTICE DATED 22.08.2015 ISSUED BY THE HONOURABLE SUB COURT, KARUGANAPPALLY.

RESPONDENT'S EXHIBITS: NIL

R.AV

//TRUE COPY//

PA TO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C). No.2156 of 2015

Dated this the 8th day of September, 2015

J U D G M E N T

Petitioners were defendants in O.S.581 of 2012 on the file of the Sub Court, Karunagappally which was for specific performance of agreement for sale. That was decreed in favour of the respondent/plaintiff. The petitioners have filed AS.No.134 of 2015 before the District Court, Kollam. There was a delay of 145 days. So they have filed an application to condone the delay. The prayer in the O.P is to stay the execution proceedings initiated by the respondent pursuant to the decree passed in his favour.

2. Heard.

3. I do not find any provision enabling this court to pass such an order.

In the result, this O.P is dismissed. The petitioners may make a request to the District Judge to take up the appeal along with the delay condonation petition at the earliest.

**K.ABRAHAM MATHEW,
JUDGE**