

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

OP(C).No. 2316 of 2015 (O)

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(E.P.NO.13/2015 IN OS.NO.34/2010 ON THE FILE OF HONOURABLE SUB COURT,
MUVATTUPUZHA)**

PETITIONER(S):

**KESAVAN AGED 45 YEARS
S/O.KRISHNAN, NELLIKUZHIL HOUSE, PIRAVAM KARA
PIRAVAM TALUK.**

**BY ADVS.SRI.RENISH RAVEENDRAN
SRI.K.S.ANEESH**

RESPONDENT(S):

**RAJESH, AGED 30 YEARS
S/O.RAVINDRAN, PUTHUKALTHIL HOUSE, PIRAVAM KARA
PIRAVAM, MUVATTUPUZHA TALUK.**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 19-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1 : THE TRUE COPY OF AGREEMENT FOR SALE DT 26-3-2008.

EXHIBIT-P2 : THE TRUE COPY OF THE PLAINT IN OS 34/2010 BEFORE THE SUB COURT, MUVATTUPUZHA.

EXHIBIT-P3 : THE TRUE COPY OF THE WRITTEN STATEMENT IN OS 34/2010 BEFORE THE SUB COURT, MUVATTUPUZHA.

EXHIBIT-P4 : THE TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONER.

EXHIBIT-P5 : THE TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONER'S SON

EXHIBIT-P6 : THE TRUE COPY OF THE PETITION MADE TO SET ASIDE THE DECREE IN OS 34/2010

EXHIBIT-P7 : THE TRUE COPY OF THE PETITION TO CONDONE THE DELAY IN MAKING APPLICATION TO SET ASIDE THE EXPARTE DECREE ON 25-09-2015 IN OS 34/2010

EXHIBIT-P8 : THE TRUE COPY OF THE PETITION MADE ON 25-09-2015 TO STAY ALL FURTHER PROCEEDINGS IN EP 13/2015 IN OS 34/2010.

EXHIBIT-P9 : THE TRUE COPY OF THE INJUNCTION PETITION MADE ON 25-09-2015 IN OS 34/2010

EXHIBIT-P10 : THE TRUE COPY OF THE PETITION TO ADVANCE EP 13/2015 IN OS 34/2010

EXHIBIT-P11 : THE TRUE COPY OF THE PETITION MADE ON 25-09-2015 TO SET ASIDE THE ORDER IN EP 13/2015 IN OS 34/2010

EXHIBIT-P12 : THE TRUE COPY OF THE PETITION MADE ON 25-09-2015 TO CONDONE DELAY IN MAKING APPLICATION TO SET ASIDE EXPARTE ORDER IN EP 13/2015 IN OS 34/2010

RESPONDENT'S EXHIBITS:

NIL

R.AV

//TRUE COPY//

PATO JUDGE

K. ABRAHAM MATHEW, J.

O.P.(C)No.2316 OF 2015

Dated this the 19th day of October, 2015

J U D G M E N T

Petitioner is the defendant in O.S.34 of 2010 in which an ex parte decree was passed against him for specific performance for an agreement for sale. The respondent has filed E.P for delivery of the property. Meanwhile, the petitioner filed an application to set aside ex parte decree along with an application to condone the delay in filing it. He also filed an application to stay the execution proceedings and for some other applications. The prayer in this O.P is to direct the learned sub Judge to consider Exts.P6 to P12 applications.

2. Heard.

3. The petitioner filed the applications very recently only. But having regard to the nature of the case the learned sub Judge shall try to dispose them of without delay. The order in the execution petition will be subject to the result of those applications.

With the above observation this O.P is closed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**