

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

O.P.(C).No. 2383 of 2015 (O)

PETITIONER:

**V.K. SOBHANA, W/O. MOHANDAS,
VALAYAMTHODI HOUSE, KAVALAPARA. P.O.,
KARAKKADU DESOM, OTTAPPALAM TALUK.**

BY ADV. SRI. KALEESWARAM RAJ

RESPONDENT(S):

- 1. HARIDASAN, AGED 55 YEARS,
S/O. KRISHNAN, SREEVALSAM VEEDU,
VIVEKANANDA NAGAR, KULAPPULLY,
SHORNUR - 679 122.**
- 2. HARINARAYANAN,
RAMANIVAS, KALLIPPADAM,
SHORNUR, OTTAPPALAM - 679 122.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

O.P.(C).No. 2383 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : COPY OF THE ORDER DATED 18.06.2014.

EXT. P2 : COPY OF THE E.A. /2014 IN E.P. No.175/2012.

EXT. P3 : COPY OF THE APPLICATION FILED BY THE RESPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

// TRUE COPY//

PA TO JUDGE

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K. ABRAHAM MATHEW, J.

O.P.(C). No. 2383 of 2015

Dated this the 6th day of November, 2015

JUDGMENT

The petitioner is the respondent in E.P. No.175/2012 in O.S. No.120/2005 of Munsiff Court, Ottappalam. His property has been sold in execution of the decree. This Original Petition was filed when the Execution Petition was posted for delivery. He challenges the sale on the ground that it is vitiated by fraud. An order passed under Order 21 Rule 92 CPC is an appealable one. No Original Petition is maintainable.

In the result, this Original Petition is closed. Learned counsel submits that an appeal has been filed challenging the sale.

Sd/-
K. ABRAHAM MATHEW
JUDGE

ww/06/11/2015