

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

OP(C).No. 2388 of 2015 (O)

EP NO. 39/2014 IN OS NO. 112/2012 OF SUB COURT, THODUPUZHA

PETITIONER(S) :

1. **SHINTO KURIAN**
S/O. KURIAN, 45 YEARS
ARACKAL HOUSE, ANACHAL KARA
KUNCHITHANNI VILLAGE
DEVIKULAM TALUK.
2. **RAGHAVAN**
AGED 55 YEARS, PARACKAL HOUSE
ANACHAL KARA, KUNCHITHANNI VILLAGE
DEVIKULAM TALUK.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMAR
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENT :

S. STALIN
S/O. T. SUNDARAJ, NO. 26
GODANDARAMAN ILLAM
AMARAR JEEVA STREET, SANITORIUM
CHENNAI – 77
NOW RESIDING AT NO. 28, 2ND CROSS STREET
L.B. COLONY, UDAYAM NAGAR
VELACHERY, CHENNAI – 600 042.
REP. BY ITS POWER OF ATTORNEY HOLDER
T. SUNDARAJ, S/O. THANKAYYA NADAR
NAGARMUDI DIVISION, SEVENMALA ESTATE
KDH VILLAGE, DEVIKULAM TALUK- 685 613.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 06-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...2/-

OP(C).No. 2388 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF DECREE DATED 20.1.2014 IN OS NO. 112 OF 2012 OF THE
SUBORDINATE JUDGE'S COURT, THODUPUZHA.**

**EXT.P2 COPY OF EP NO. 39/2014 DATED 17.6.2014 IN OS NO. 112 OF 2012 OF
THE SUBORDINATE JUDGE'S COURT, THODUPUZHA.**

**EXT.P3 COPY OF ORDER DATED 31.8.2015 IN EP NO. 39 OF 2014 IN OS NO. 112
OF 2012 OF THE SUBORDINATE JUDGE'S COURT, THODUPUZHA.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2388 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

Petitioners are defendants in O.S.No.112 of 2012 on the file of Sub Judge, Thodupuzha. The suit has been decreed. The petitioners filed AS.No.63 of 2015 with a petition to condone the delay. It has not been disposed of. The prayer in this O.P is to stay execution of the decree.

2. Heard.

3. I am not satisfied that Article 227 of the Constitution of India can be invoked to stay execution of the decree. The proper remedy for the petitioners is to insist on an earlier disposal of the delay condonation petition.

In the result, this O.P is dismissed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge