

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. 2393 of 2015 (O)

E.P. NO.40/2012 IN O.S. NO.640/2001 OF MUNSIF COURT, THIRUVALLA.
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PETITIONER(S):

- 1. SOBHANAKUMARI, W/O.PRASANNA KUMAR,
AGED 52 YEARS, SOBHANA VILASATHU HOUSE,
MURANI MURI, MALLAPPALLY VILLAGE,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.**
- 2. PRASANNA KUMAR, H/O. SOBHANAKUMARI,
SOBHANA VILASATHU HOUSE,
MURANI MURI, MALLAPPALLY VILLAGE,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.**
- 3. V.S. SASIKUMAR, SOBHANA VILASATHU HOUSE,
MURANI MURI, MALLAPPALLY VILLAGE,
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN,
SRI.GEORGE MATHEW,
SRI.SUNIL KUMAR A.G.**

RESPONDENT(S):

- 1. VIJAYAMMA C.PILLAI,
W/O.LATE V.N. CHANDRASEKHARAN PILLAI,
VADAKKEMURIYIL HOUSE, MURANI,
MALLAPPALLY VILLAGE, NOW RESIDING AT
B/14, SHYAM SATADER DUPLEX, GHATIODIYA,
AHMEDABAD, GUJARAT STATE, PIN-380 001.**
- 2. VIJAYACHANDRAN C.PILLAI OF DO. DO.**
- 3. GIREESH CHANDRAN C.PILLAI OF DO. DO.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE PLAINT IN O.S. NO.193/2012 ON THE FILES OF
MUNSIFF COURT, THIRUVALLA.
- EXT.P2 COPY OF THE STAY PETITION IN E.A. NO.140/2012 IN E.P. NO.40/2012
IN O.S. NO.640/2001 FILED BY PETITIONERS BEFORE MUNSIFF COURT,
THIRUVALLA DATED 16/10/2012.
- EXT.P3 COPY OF THE OBJECTION IN E.P. NO.40/2012 IN O.S. NO.640/2001
FILED BY RESPONDENTS' POWER OF ATTORNEY HOLDER PRAKASH
DATED 26/06/2014.
- EXT.P4 COPY OF THE ORDER IN E.A. NO.140/2012 IN E.P. NO.40/2012 IN
O.S. NO.640/2001 OF MUNSIFF COURT, THIRUVALLA DATED 25/07/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K.ABRAHAM MATHEW J.

O.P.(C)No.2393 of 2015

Dated this the 6th day of October, 2015

JUDGMENT

The petitioners are judgment debtors in E.P.No.40 of 2012 in O.S.No.640 of 2001 on the file of Munsiff, Thiruvalla. The respondents have obtained a decree against them. The decree allows them to recover possession of a certain extent of property. It is stated that persons who were strangers to a decree have filed Ext P1 suit challenging the validity of the document on which the respondents relied for obtaining the decree. On this ground the petitioners filed Ext P2 application to stay the execution of the decree. It was dismissed by Ext P4 order. The prayer in this Original Petition is to set aside the said order.

2. Heard.

3. The respondents have obtained a decree against the petitioners. It has become final. The executing court has a duty to execute it. Merely because some strangers have filed a suit challenging the validity of the document relied on by the decree holders in the suit in which they have obtained the decree, execution proceedings cannot be stayed. The executing court rightly dismissed Ext P2 application. No interference is called for. Learned counsel submits that there is a chance for settlement of the dispute. The trial court in O.S.No.193 of 2012 may make an attempt to bring the parties to a table.

In the result, this Original Petition is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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/True copy/

P.S.to Judge