

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. 2394 of 2015 (O)

**EP 151/2013 IN ARB.REF. NO.NPA-ARB-(M&M) SH NO.14166/2009 OF ADDL.DISTRICT
COURT, KOTTAYAM**
.....

PETITIONER(S)/JUDGEMENT DEBTOR NO.1/RESPONDENT NO.1:

**SHAJAHAN P.H., AGED 43 YEARS,
S/O.P.M.HAMEED, PATHALUPARAMBIL, ERUMELY,
KOTTAYAM.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN**

RESPONDENT(S)/DECREE HOLDER/CLAIMANT:

**M/S.MAHINDRA & MAHINDRA FINANCIAL SERVICES LTD.,
GATEWAY BUILDINGS, APPOLLO BUNDER, MUMBAI - 01.**

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

msv/

OP(C).No. 2394 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE AWARD DATED 15.7.2011 IN ARB.REF NO.NPA-ARB
(M&M) SH NO.14166/2009.

EXT.P-2: TRUE COPY OF THE EXECUTION PETITION EP NO.151/2013 IN
ARB. REF NO.NPA-ARB-(M&M) SH NO.14166/2009.

EXT.P-3: TRUE COPY OF THE AFFIDAVIT DATED 13.11.2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

O.P.(C). No. 2394 of 2015

Dated this the 6th day of October, 2015

J U D G M E N T

Petitioner is the first respondent in EP.No.151 of 2013 on the file of District Judge, Kottayam. The prayer is to realise about Rs.2,00,000/- (Rupees Two lakhs only). The complaint is that the executing court has not considered the request of the petitioner to allow him to pay the amount in instalments.

2. Heard.

3. After passing of the decree the court has no discretion to allow the judgment debtor to pay decree debt in instalments. Only with the consent of the decree holder the court can pass such an order. The executing court shall dispose of Ext.P3 application filed by the petitioner for that purpose.

With the above observation this O.P is closed.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge