

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

O.P.(C).No. 2457 of 2015 (O)

**AGAINST E.P. No.245/2015 IN O.S. No.297/2010 ON THE FILE OF
SUB-COURT, KOZHIKODE**

PETITIONER(S):

- 1. BABU KESAVAN, AGED 41 YEARS,
S/O. KESAVAN, "SOUPARNIKA", MYTHRI ROAD,
PANNIYANKARA, KOZHIKODE.**
- 2. P. THANKAM,
W/O. BABU KESAVAN, "SOUPARNIKA", MYTHRI ROAD,
PANNIYANKARA, KOZHIKODE.**

BY ADV. SRI. P.V.GEORGE(PUTHIYIDAM)

RESPONDENT:

**E. PRAKASAN, AGED 52 YEARS,
S/O. GOVINDAN, "DEVIKRIPA", KAKKODIYIL,
KIZHAKKUMMURI DESOM, PADINJATTUMURI AMSOM,
KOZHIKODE TALUK.**

BY ADV. SRI. SRINATH GIRISH

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 03-11-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(C).No. 2457 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: COPY OF THE E.P. No.245/2015 IN O.S. No.297/2010 ON THE FILE OF
IST ADDITIONAL SUB COURT, KOZHIKODE.**

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

P.A. TO JUDGE

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K. ABRAHAM MATHEW, J.

O.P.(C). No. 2457 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

Petitioners are the Judgment Debtors in O.S. No.297/2010. The decree is for specific performance of an agreement for sale.

2. In execution of the decree in E.P. No.245/2015, the property is sought to be delivered to the respondent decree holder. The petitioner has filed this original petition expressing his readiness to pay back the entire amount he received towards the sale consideration with interest and costs of the respondent in the suit.

3. Heard.

4. The respondent is not ready to accept the money offered by the petitioners. This Court is helpless in the matter. There is no ground to deny the respondent his right to get delivery of the property.

In the result, this original petition is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE