

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

OP(C).No. 2527 of 2015 (O)

PETITIONER :

SHAJI KUMAR S. AGED 45 YEARS,
S/O.SASI, PROPRIETOR, S.G.MOTORS, KURAVANKONAM,
KOWDIAR P.O., THIRUVANANTHAPURAM,
RESIDING AT VELMOUND HOUSE, T.C.4/1196,
KOWDIAR P.O., THIRUVANANTHAPURAM DISTRICT

BY ADV. SRI.G.SUDHEER

RESPONDENTS :

1. PAUL, S/O.CHIDAMBARAM, AGED 68 YEARS,
RESIDING AT TC.4/1220, KURAVANKONAM,
KOWDIAR P.O, THIRUVANANTHAPURAM - 695 001
2. JESSY, S/O.CHIDAMBARAM, AGED 60 YEARS,
TC.4/1220, KURAVANKONAM, KOWDIAR,
THIRUVANANTHAPURAM - 695 001
3. NIRMALA, D/O.CHIDAMBARAM, AGED 66 YEARS,
NO.7, DORAISWAMY NAGAR, EAST THAMBARAM,
CHANNAI, TAMILNADU - 600018
4. GRACE. D/O.CHIDAMBARAM, AGED 58 YEARS,
ID BLOCK, 7TH FLOOR, PARSON APARTMENTS,
599, ANNAI SALAI, CHENNAI-6, TAMILNADU - 600 004
5. C.MARY, D/O.CHIDAMBARAM,
VP 9/6744, CHIRAKKAVVI LANE,
PEYAD P.O, THIRUVANANTHAPURAM - 695 001

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 20-10-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(C).No. 2527 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE RENT AGREEMENT EXECUTED IN BETWEEN 1ST RESPONDENT AND PETITIONER DATED 10.6.2008

EXT.P2 : COPY OF RENT AGREEMENT EXECUTED IN BETWEEN 1ST RESPONDENT AND PETITIONER DATED 1.2.2011

EXT.P3 : COPY OF THE NOTICE OF DEMAND FOR PROFESSION TAX ISSUED BY THE THIRUVANANTHAPURAM CORPORATION

EXT.P4 : COPY OF THE PROFESSIONAL TAX RECEIPT ISSUED BY THE THIRUVANANTHAPURAM CORPORATION

EXT.P5 : COPY OF THE RECEIPT SHOWING PAYMENT OF PROFESSIONAL TAX FOR THE PERIOD 2010-2011 TO 2011-2015 DATED 16.9.2015

EXT.P6 : COPY OF E.A.NO.561/2015 IN O.S.NO.1103/2005 FILED BY THE PETITIONER BEFORE THE MUNSIF'S COURT, THIRUVANANTHAPURAM DATED 14.10.2015

EXT.P7 : COPY OF E.A.NO.562/2015 IN O.S.NO.1103/2005 FILED BY THE PETITIONER BEFORE THE MUNSIF'S COURT, THIRUVANANTHAPURAM DATED 14.10.2015

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.ABRAHAM MATHEW, J.

O.P.(C).No.2527 of 2015

Dated this the 20th day of October, 2015

J U D G M E N T

Petitioner filed an application under Order 21 Rule 97 of Code of Civil Procedure ('C.P.C.' for short), when the building involved in the suit was ordered to be delivered in execution of the decree. He also filed Ext.P7 application for a temporary injunction. The complaint is that the learned Munsiff has not disposed of the injunction application and the ameen will effect delivery of the property.

2. Heard the learned counsel for the petitioner. It is sufficient that a direction is issued that delivery shall not be effected before the application under Order 21 Rule 97 C.P.C. is disposed of.

In the result, this original petition is disposed of with a direction to the learned Munsiff not to effect delivery of the property before the application filed by the petitioner under Order 21 Rule 97 C.P.C. is disposed of.

Sd/-

K.ABRAHAM MATHEW, JUDGE