

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. 2529 of 2015 (O)

OS 221/2012 of SUB COURT, TIRUR

PETITIONER :

ABDU P., S/O.UNEEN HAJI,
PERINCHERI,
P.O.OMACHAPUZHA,
VIA THEYYALINGAL, MALAPPURAM DISTRICT
PIN-676 320.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI

RESPONDENTS :

MOIDEENKUTTY,
S/O.MUHAMMED, EARKOTTIL HOUSE,
VALIYAKUNNU AMSOM DESOM,
TIRUR TALUK - 676 552

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

OP(C).No. 2529 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE PLAINT DATED 6.6.2012 IN O.S.NO.221/2012 PENDING BEFORE SUB COURT, TIRUR

EXT.P2 : COPY OF THE ORDER DATED 15.9.2015 ALLOWING I.A.NO.1566/2015 IN O.S.NO.221/2012

EXT.P3 : COPY OF THE I.A.NO.1686/2015 DATED 15.9.2015 IN O.S.NO.221/2012

EXT.P4 : COPY OF THE OBJECTION IN THE I.A.NO.1685/2015 IN O.S.NO.221/2012 FOR ADVANCING THE CASE.

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.ABRAHAM MATHEW, J.

O.P.(C).No.2529 of 2015

Dated this the 20th day of October, 2015

J U D G M E N T

Petitioner is the plaintiff in O.S.No.221 of 2012. The suit is based on an agreement for sale. The prayer is to refund the prepaid purchase price. The application filed by the petitioner under Order 38 Rule 5 of Code of Civil Procedure ('C.P.C.' for short) was allowed and attachment was effected. But, later the respondent furnished certain security and the learned Sub Judge ordered release of the property from attachment by Ext.P2 order. Petitioner filed Ext.P3 application for direction to furnish further security as the amount covered by the security furnished is less than the amount claimed. The complaint is that the learned Sub Judge has not disposed of Ext.P3 and if the property happens to be released from attachment the petitioner may not be able to realise the amount.

2. Heard.

3. I am satisfied that a direction to the Sub Judge to dispose of Ext.P3 application within two weeks from the date of receipt or production of a copy of this judgment is sufficient. In

the result, this O.P. is allowed and the learned Sub Judge is directed to dispose of Ext.P3 application within two weeks from the date of receipt or production of a copy of this judgment. Meanwhile, Ext.P2 order will stand stayed till the disposal of Ext.P3 application.

Sd/-
K.ABRAHAM MATHEW, JUDGE

AV/20/10