

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

OP(C).No. 2543 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN OS 1207/2014 of II ADDITIONAL MUNSIF
COURT, THRISSUR DATED 17-02-2014**

PETITIONER(S):

- 1. ROY MATHEW AGED 43 YEARS
S/O.CHATHALAN MATHEW, THRISSUR TALUK
CHEMBUKKAVU VILLAGE DESOM, MUSEUM CROSS LANE
CHEMBUKKAVU 680 020, RESIDING AT HOUSE NO.VI/413A
THRISSUR CORPORATION.**
- 2. MARTIN MATHEW
S/O.CHATHALAN MATHEW, THRISSUR TALUK
CHEMBUKKAVU VILLAGE DESOM, MUSEUM CROSS LANE
CHEMBUKKAVU 680 020, RESIDING AT HOUSE NO.VI/413A
THRISSUR CORPORATION.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENT(S):

- 1. KOTTAKKADKURIES PVT .LTD
KUTTOOR VILLAGE, KOTTEKKADDESOM, THRISSUR TALUK
REPRESENTED BY ITS MANAGER 680 001.**
- 2. JULY TISSERENT
W/O.PADOOR CHALAKKAL TISSERENT, VELUR VILLAGE
THALAPPILLY TALUK, THRISSUR DISTRICT. 680 001.**
- 3. TISSERENT
PADOORCHALAKKAL HOUSE, VELUR VILLAGE
THALAPPILLY TALUK, THRISSUR TALUK 680 001.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 21-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE SALE DEED NO.1416 OF 2011 EXECUTED BY THE RESPONDENTS 2 AND 3 IN FAVOUR OF PETITIONERS DATED 11.5.11.

EXHIBIT P2. COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, VELUR DATED 18.7.14.

EXHIBIT P3. COPY OF THE PLAINT IN OS 1207 OF 2014 BEFORE THE COURT OF MUNSIFF, THRISSUR DATED 17.2.14.

EXHIBIT P4. COPY OF THE IA 4410 OF 2014 IN OS 1207 OF 2014 DATED 17.2.14.

EXHIBIT P5. COPY OF THE ENCRUMBRANCE CERTIFICATE AS CONCERNING THE PROPERTY IN EXT. P1 DATED 21.7.14.

EXHIBIT P6. COPY OF THE IA 18059 OF 2014 IN IA 4410 OF 2014 IN OS 1207 OF 2014 DATED 1.9.14.

EXHIBIT P7. COPY OF THE COUNTER AFFIDAVIT FILED BY THE 1ST RESPONDENT IN IA 18059 OF 2014 IN IA 4410 OF 2014 IN OS 1207 OF 2014 DATED 12.7.15.

RESPONDENT(S)' EXHIBITS

NIL

R.AV

//TRUE COPY//

PA TO JUDGE

ABRAHAM MATHEW, J.

O.P.(C).No.2543 of 2015

Dated this the 21st day of October, 2015

J U D G M E N T

Petitioner has filed Ext.P6 application under Order 21 Rule 58 C.P.C claiming that the property attached by the court under Order 38 Rule 5 C.P.C in O.S.1207 of 2014 belongs to him and it cannot be attached for the debt of the defendants in the suit. His complaint is that the trial court has not even considered his application.

2. Heard.

3. The only request of the petitioner is to direct the trial court to dispose of Ext.P6 application without delay. I am satisfied that the request is reasonable.

In the result, this O.P is allowed. The learned Munsiff is directed to dispose of Ext.P6 application within one month from the date of receipt or production of a copy of this judgment.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge