

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

OP(C).No. 2568 of 2015 (O)

IN EP 492/2014 IN ARC 3940/2006 OF THE MUNSIF COURT, PARAPPANANGADI

PETITIONERS/RESPONDENTS/JUDGMENT DEBTORS :

1. KUNHAMMAD, AGED 50 YEARS,
S/O.KUNHAHAMMAD, POTHUVATH HOUSE, CHALIL PARA,
POST THENNALA, POOKKIPARAMBU, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.
2. MOHAMMED SHAFI, AGED 33 YEARS,
S/O. ALAVI HAJI, KOONARI HOUSE, POST THENNALA,
POOKKIPARAMBU, TIRURANGADI TALUK, MALAPPURAM DISTRICT.
3. HUMAYOON KABEER
S/O. MOHAMMED, MANTHADATHIL HOUSE, APLA,
POST THENNALA, POOKKIPARAMBU, TIRURANGADI TALUK
MALAPPURAM DISTRICT.

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN**

RESPONDENT/PETITIONER/DECREE HODLER :

**THE SECRETARY
THENNALA SERVICE CO-OPERATIVE BANK LIMITED
POST VALAKULAM, MALAPPURAM DISTRICT, PIN-676 508.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 27-10-2015,
ALONG WITH OPC 2577/2015 & OPC 2576/2015 THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

bp

OP(C).No. 2568 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: THE TRUE COPY OF E.P.492/2014 IN ARC 3940/2006 OF THE MUNSIF COURT,
PARAPPANANGADI DATED 20.10.2014.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K.ABRAHAM MATHEW J.

O.P.(C).Nos.2568, 2576 & 2577 of 2015

Dated this the 27th day of October, 2015

JUDGMENT

Petitioners are judgment debtors in the execution petitions filed by respondent Service Co-operative Bank. They have been ordered to be arrested for non payment of the amount covered by the awards. Their complaint is that they were not given notice in the arbitration proceedings and they had not borrowed any amount from the society. Their only prayer is to stay further proceedings in the execution petitions.

2. Heard.

3. Learned counsel submits that the petitioners are unable to file applications to set aside the awards as they have not obtained copies of the awards. In this circumstance, a direction to the executing court not to arrest them for one month or till they file applications to set aside the awards are filed, whichever is earlier.

In the result, these Original Petitions are disposed of with a direction to the executing court not to arrest the petitioners for one month or till they file an application to set aside the awards, whichever is earlier.

Sd/-

**K.ABRAHAM MATHEW
JUDGE**

cms

/True copy/

P.S.to Judge