

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

OP(C).No. 2592 of 2015 (O)

OS NO. 1158/2014 OF 2ND ADDITIONAL MUNSIFF COURT, THRISSUR

PETITIONER(S) :

1. ROY MATHEW, AGED 43,
S/O.CHETHALAN MATHEW, THRISSUR TALUK
CHEMBUKKAVU VILLAGE DESOM, MUSEAM CROSS LANE
CHEMBUKKAVU - 680020, RESIDING AT HOUSE NO.VI/413 A
THRISSUR CORPORATION.
2. MARTIN MATHEW, AGED 38,
S/O.CHETHALAN MATHEW, THRISSUR TALUK
CHEMBUKKAVU VILLAGE DESOM, MUSEAM CROSS LANE
CHEMBUKKAVU 680020, RESIDING AT HOUSE NO.VI/413 A
THRISSUR CORPORATION

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

RESPONDENT(S) :

1. KOTTAKKAD KURIES PVT. LTD.,
KUTTOOR VILLAGE, KOTTEKKAD DESOM, THRISSUR TALUK
REP. BY IT'S MANAGER – 680001.
2. JULY TISSERENT
W/O.PADOOR CHALAKKAL TISSERENT, VELUR VILLAGE
THALAPPILLY THALUK, THRISSUR DISTRICT – 680001.
3. TISSERENT
PADOOR CHALAKKAL HOUSE, VELUR VILLAGE
THALAPPILLY THALUK, THRISSUR THALUK - 680001

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 28-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP(C).No. 2592 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : A TRUE COPY OF THE SALE DEED NO.1416/2011 EXECUTED BY THE RESPONDENTS 2 AND 3 IN FAVOUR OF PETITIONERS DATED 11.05.2011.
- EXT. P2: A TRUE COPY OF TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, VELUR DATED 18.07.2014.
- EXT. P3: A TRUE COPY OF THE PLAINT IN OS.NO.1158/2014 BEFORE THE COURT OF MUNSIF, THRISSUR DATED 17.02.2014.
- EXT. P4: A TRUE COPY OF IA.NO.4305/2014 IN OS.NO.1158/2014 DATED 17.02.2014.
- EXT. P5: A TRUE COPY OF THE ENCUMBRANCE CERTIFICATE AS CONCERNING THE PROPERTY IN EXT P1 DATED 21.07.2014.
- EXT. P6: A TRUE COPY OF IA.NO.18060/2014 IN IA.NO.4305/2014 IN OS.NO.1158/2014 DATED 01.09.2014.
- EXT. P7: A TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT IN IA.NO.18060/2014 IN IA.NO.4305/2014 IN OS.NO.1158/2014 DATED 12.07.2015

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

O.P.(C).No.2592 of 2015

Dated this the 28th day of October, 2015

J U D G M E N T

The first respondent is the plaintiff and respondents 2 and 3 are defendants in O.S.1158 of 2014, which is for realisation of money. Under Order 38 Rule 5 of CPC a property was attached. The petitioners filed Ext.P6 application to lift the attachment on the ground that they have title to the property and the defendants have no right in it and it is not labile to be attached. The complaint is that the application has so far not been disposed of.

2. Heard.

3. The attachment was effected in 2014. The claim petition was filed in September 2014. The request is to direct the Munsiff to dispose it of without delay, which is reasonable.

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

sd/-

**K. ABRAHAM MATHEW
JUDGE**