

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. 2595 of 2015 (O)

O.S.NO.1127 OF 2014 OF THE IIND ADDITIONAL MUNSIFF COURT, THRISSUR

PETITIONER(S) :

- 1. ROY MATHEW, AGED 43 YEARS,
S/O.CHETHALAN MATHEW, THRISSUR THALUK,
CHEMBUKKAVU VILLAGE DESOM, MUSEAM CROSS LANE,
CHEMBUKKAVU - 680 020, RESIDING AT HOUSE NO.VI/413A,
THRISSUR CORPORATION.**
- 2. MARTIN MATHEW, AGED 38 YEARS,
S/O.CHETHALAN MATHEW, THRISSUR THALUK,
CHEMBUKKAVU VILLAGE DESOM, MUSEAM 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. KOTTEKKAD KURIES PVT. LTD.,
KUTTOOR VILLAGE, KOTTEKKAD DESOM,
THRISSUR TALUK - 680 001,
REPRESENTED BY IT'S MANAGER.**
- 2. JULY TISSERENT,
W/O.PADOOR CHALAKKAL TISSERENT, VELUR VILLAGE,
THALAPPILLY THALUK, THRISSUR DISTRICT - 680 001.**
- 3. TISSERENT,
PADOOR CHALAKKAL HOUSE, VELUR VILLAGE,
THALAPPILLY THALUK, THRISSUR DISTRICT - 680 001.**

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

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE SALE DEED NO.1416 OF 2011 EXECUTED BY THE RESPONDENTS 2 AND 3 IN FAVOUR OF PETITIONERS DATED 11.05.2011.**
- P2: A TRUE COPY OF TAX RECEIPT ISSUED BY THE VILLAGE OFFICER, VELUR DATED 18.07.2014.**
- P3: A TRUE COPY OF THE PLAINT IN O.S.NO.1127 OF 2014 BEFORE THE COURT OF MUNSIF, THRISSUR DATED 17.02.2014.**
- P4: A TRUE COPY OF THE ENCUMBRANCE CERTIFICATE AS CONCERNING THE PROPERTY IN EXT.P1 DATED 21.07.2014.**
- P5: A TRUE COPY OF I.A.NO.18063 OF 2014 IN I.A.NO.4235 OF 2014 IN O.S.NO.1127 OF 2014 DATED 01.09.2014.**
- P6: A TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE FIRST RESPONDENT IN I.A.NO.18063 OF 2014 IN I.A.NO.4235 OF 2014 IN O.S.NO.1127 OF 2014 DATED 12.07.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

O.P.(C).No.2595 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 the defendants in O.S.1127 of 2014, which is for realisation of money. Under Order 38 Rule 5 of CPC a property was attached. The petitioners filed Ext.P5 application to lift the attachment on the ground that they have title to the property and the defendants have no right in it and its not liable 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.P5 at least within one month from the date of receipt or production of a copy of this judgment.

sd/-

**K. ABRAHAM MATHEW
JUDGE**